HOUSE OF ASSEMBLY

Thursday 30 November 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

CONTROLLED SUBSTANCES (CULTIVATION OF CANNABIS) AMENDMENT BILL

Mr LEWIS (Hammond) obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Mr LEWIS: I move:

That this bill be now read a second time.

The bill is a very simple bill. The changes it contains to the Controlled Substances Act are to be found on half a page, and they simply remove from one subsection a reference to the next subsection. The first subsection is subsection (5), and the bill deletes reference to subsection (6). In the next breath the bill deletes subsection (6) of section 32 of the Controlled Substances Act. Subsection (6) provides:

> Where a person is found guilty of an offence involving cultivation of not more than the prescribed number of cannabis plants and the court is satisfied that the person cultivated the plants solely for his or her own smoking or consumption, the person is liable only to a penalty not exceeding $500.

Deleting that subsection altogether enables us to then proceed to section 45A of the Controlled Substances Act under which it is not possible to proceed against someone unless an expiation fee has first been offered as a means by which they can expiate the offence. I propose to delete the simple cannabis offence definition from subsection (8). Altogether the effect of this proposition is to make it unlawful—to make it a criminal act—to use cannabis or any of its derivative substances, whether it involves smoking the weed or using hash oil in a way that can have only one effect, and that is what some people regard as the desired euphoric effect from the active ingredient hydrocannabinol.

My reason for bringing this matter to the House today is that it is now clearly on the record that it has been scientifically established over a long period that cannabis is not only carcinogenic but it is more carcinogenic—more cancer causing—than tobacco. That does not mean that tobacco is any less evil or that something should not be done about that. Bearing in mind that it is more likely to cause disease (that is, cancer), I point out that any law which makes it acceptable for a person to abuse their health and, in so doing, require the taxpayers to pick up the bill for the ill health they suffer is an irresponsible law. As members of parliament we are saying that it is okay to allow some people to be irresponsible and not accept responsibility for their own actions and, on the other side, we are saying to other people who do not do those things, 'You must be responsible for those people who are not willing to be responsible for themselves. You must pay the taxes to cover the costs of their medical treatment and palliative care as they slip away and die an early and painful death.'

The second reason for my deciding at this time that it is now necessary for us to send a strong signal to the wider community is that the hydrocannabinol component of cannabis is also now known scientifically without any shadow of doubt to cause psychiatric illness in a large proportion of the population. It may be all, but I doubt that; it is certainly a large proportion of the population. The degree of severity of the psychiatric illness caused by hydrocannabinol will depend upon—

The SPEAKER: Order! There are too many individual conversations going on around the chamber. Could you go to your seats or go out to the lobbies and give the member for Hammond a fair go.

Mr LEWIS: —their personal physiology.

The SPEAKER: Order! I did not just speak for my own benefit. There are still four conversations going on individually over the top of the member for Hammond. I ask members to restrain themselves.

Mr LEWIS: It will depend upon the physiology of the person, that is, their genetic make-up, the DNA and its structure in the nucleus of the cells in their body, the cells which determine their predisposition to develop fat cells in their skin and a whole lot of other things like that. It does not matter what the specific characteristics are, the fact is we do not know in any definitive way precisely which characteristics of each individual person's physiology predispose them to the most severe degree of psychiatric disorder and predispose them to the most susceptible array of cancers they may contract as a result of taking hydrocannabinol in one way or another. We do not need to know that because we could not ruddy well afford it as taxpayers to give everybody a test to find out.

That is a red herring in the debate that I have heard brought up by some people who are of this ilk: that they wish to continue to indulge themselves, in an irresponsible way, and want the rest of the community to discover for them if it is legitimate for them to do that and expect that they will be able to get away with it without adverse consequences for them, that is, whether they can expect that they will not contract cancer and will not go mad in some degree. It is known, of course, to effect the condition called schizophrenia in particular. In some instances that condition is also associated with a predisposition to develop paranoia, and paranoid-schizophrenics are not very nice people to be around when they are suffering the conscious consequences of it on their disposition. They murder, commit acts of violence and so on. They will even kill themselves in other circumstances.

For that reason it is not responsible for us as legislators to allow the law to say that this is not a very serious offence. In fact, it is so insignificant you can expiate it by paying a fee. The law must say, if we regard ourselves as being in any way properly delegated with the authority from those people who put us here, this is wrong. That is what the law must say. You must not do it. If you do, then you have committed a crime against society because you are expecting that society to run the risk of suffering the consequences of your misbehaviour when you become schizophrenic (or maybe even a paranoid-schizophrenic in certain circumstances) and the rest of society to pay the bills associated with your treatment in palliative care after you have developed cancer, cancer which will be terminal, which will reduce your life expectancy and which will mean that, notwithstanding the education and everything else that has been invested in your life, you will not contribute in return to society anything like what you could otherwise have contributed. It is not legitimate for people to say this is an infringement of human rights. The real infringement occurs when the taxpayers have to pick up the tab for this ridiculous self-indulgent and irresponsible behaviour.

The reason I have made such remarks about the use of cannabis is that it is now clear to a wide range of people in the community—the police are telling us—that it is the precursor to other crimes of drug abuse and misconduct and

misbehaviour. The doctors are telling us it is the precursor to disease and problems associated with that and the behaviour to which I have just drawn attention. It is an unnecessary expense on the public purse to try and have to deal with it in a way which is compassionate from the point of view of the rest of us. It detracts from our ability to establish a prosperous society in which children, who do not know when they are born the difference between right and wrong, can expect to be brought up so that they do learn those things and conduct themselves in a responsible manner.

There is nothing more to my mind depressing and distressing than to see little kids whose parents are zonked out on pot or any other drug equally serious—I put heroin in the same category—neglected, and the kids suffer. We all know then that what could have been a good life for them can also turn out to be ruined when they become, at worst, criminals and, at best, welfare dependents in consequence. The most distressing group of children to which I refer in this debate are those that come into the world with an addiction for an activity they never engaged in but which their irresponsible pregnant mother did engage in. They come into the world with a physical and or mental impairment as a direct consequence of their mother having felt that it was legitimate for her to indulge herself whilst she was pregnant or just before she became pregnant.

Altogether then, we need to look at the misery that is caused to the population at large by this kind of conduct of self-indulgence and not just the misery to the individuals who indulge themselves in this way. If we do not send this signal to the wider community, we are ignoring what our social workers, our doctors, our police and community leaders are telling us as legislators is now necessary. It is no longer possible for us to simply say, 'So many people do it, we might as well let it go.' That is like saying, 'Theft is okay because so many people do it, so we might as well let it go.'

That kind of attitude to my mind is not acceptable in any of us as legislators because we sought to have the authority and we sought to have the responsibility to make laws that would enable us to live in a better society tomorrow than we had yesterday—to give everybody a better chance and to make a society which is less prone to crime (and drug addicts are the worst perpetrators of it). We need a society which is more caring for those who are unable to care for themselves, like unborn children or children recently born, and a society that takes care of the elderly who are preyed upon—in the most cowardly act possible—by the drug addicts who steal their property, knowing that they are vulnerable.

Altogether, these are the things that we, as legislators, are saying we will turn our back on if we do not support this legislation now and send a signal to people who would otherwise indulge themselves and expect someone else to pick up the tab and the pieces that result from their irresponsible conduct. When I see them, they look like mummified fruit bats, and they are about as useful. It is about time we told them how terrible it is for them as well as for the rest of us, but the law needs to be changed to do it. It is our job to do that, and I commend the bill to the house.

Mr De LAINE secured the adjournment of the debate.

WATER RESOURCES

Mr HILL (Kaurna): I move:

That a select committee be established to examine appropriate water resource allocation and management policies in relation to forestry and other relevant matters.

It is with regret that I rise today to move this motion that stands in my name calling for yet another select committee to try to sort out the problems associated with water allocations in the South-East. Members will recall that we went through a select committee process about two years ago to deal with the major problems down there. The committee reported and the report was tabled and accepted by the government in large part, but there was one outstanding problem to do with water allocations, and that is how the issue of forestry is taken into account. There is quite a lot of argument in the South-East about how to deal with this problem.

In essence the issue is this: if one plants a forest or plants a section of one's property with trees for commercial purposes, those trees use up all of the available rainwater and that means that the aquifer is not charged, which means that other people in the district who require it will have less water for use on their irrigation properties. It is a very interesting, complex and theoretical problem about which the minister has known for some time and which he promised to deal with in the spring session of the parliament. In June, the minister indicated to the House that he would be introducing some legislation if he could get it through cabinet. On 6 July, the minister said:

I will then present to cabinet and the Liberal Party room meeting during the spring parliamentary sitting a policy with a view for introduction of the bill into the parliament in that sitting.

We have not seen a bill introduced into this House. We do not know whether or not the minister produced a policy position for consideration by the cabinet and the Liberal Party. If he did, he clearly could not get a consensus about which way to go, and there are two ways to go. If one assumes that the resource should be sustainably used, that is, you cannot take out any more water than exists, there are two ways to deal with the problem: first, licence forestry in some way and say, 'It must compete with all other water users to get access to water,' and the amount of water that forestry requires needs to be taken into account. The other way is to say, 'Forestry can proceed without any licensing,' but the available water then must be allocated on a reduced basis so that irrigators will no longer get a volumetric amount of water provided to them. Rather, they will get an annual allocation based on the volume of water available each year. That would mean that there would be less water over time for irrigators. Clearly, there are strong opinions in the South-East about this issue because strong interests are being defended by people on either side of the argument. Either, you cut back the water available to irrigators—

The SPEAKER: Order! I just caution the cameramen and remind them of the agreement between the parliament and their news editors that they will film only members on their feet speaking. The member for Kaurna.

Mr HILL: There is strong conflict between the various interest groups. Either you install a system that allows forests to use as much water as required without any licensing, or you licence forestry—

The SPEAKER: Order! I hope that cameraman is not filming that honourable member walking across the chamber because, if he is, he will be ejected from the gallery. The member for Kaurna.

Mr HILL: There are two ways of dealing with this issue: first, licensing forestry; or, secondly, allowing forestry to proceed without any licensing and then restricting the amount of water available to irrigators. Of course, this is most acutely felt in areas where there is full allocation of water. That is a

simple position. The members for MacKillop and Gordon know it, the Minister for Water Resources knows it. Indeed, everyone in the South-East knows it. They also know that a decision must be made, but the problem is that it is very difficult to get a consensus about this matter.

Instead of looking at the politics of the issue and trying to work out where most of the votes are, the minister should think through the issue as sensibly and carefully as possible, make a decision one way or the other, produce a policy and then a bill for us to consider in this place.

The member for Gordon has indicated that he will be moving an amendment to the sitting schedule to bring the House back in February rather than March to deal with this very issue. The minister is on notice that, unless he is able to develop a policy position and produce a bill by February, we will go through a select committee process to try to achieve the same outcome.

I know that if we get the various interests groups together and hear evidence, we will be able to make a set of recommendations that will solve the problem. It may not be what everyone wants but it will fix the problem. It would be better if the minister took on the responsibility himself, pushed it through his party processes and introduced a bill into this parliament. If he is unable to do that, we are willing to help him. I hope the very fact that I have moved this motion today and indicated that we will push for a select committee will give the minister the muscle he needs to be able to push this matter through the Liberal Party processes. I hope that this motion will never be voted upon because the minister will do the sensible thing.

Mr WILLIAMS secured the adjournment of the debate.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Mr ATKINSON (Spence) obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992. Read a first time.

Mr ATKINSON: I move:

That this bill be now read a second time.

The bill gives legislative effect to the Premier's desire that enough is enough with poker machines. The bill is a copy of the Gaming Machines (Freeze on Gaming Machines) Amendment Bill moved by the member for Gordon earlier this year and carried by the House. If it were the will of the House, this bill could be passed through all stages today and be ready for deliberation in another place next week. By contrast, I rather doubt that the Premier's bill will pass all stages next Thursday. Indeed, I do not think that it is the Premier's intention to have the bill ready to go to another place next Thursday.

Mr Lewis: Yes, I think that would be a fair observation.

Mr ATKINSON: Thank you, member for Hammond. Thus, assuming that both bills impose the cap on new poker machines as at 24 November, my bill shall be one week retrospective should it pass all stages today, whereas the Premier's bill is likely to be many months retrospective when it passes this House. I mention this degree of retrospectivity because it could be used as grounds by some members of another place to vote against a cap on poker machines, and the Attorney-General (Hon. K.T. Griffin) comes to mind immediately. I voted against gaming machines at all stages of the debate in 1992.

The Hon. W.A. Matthew: One of the few Labor members who did.

Mr ATKINSON: That is right; as the member for Bright says, I was one of the few Labor members who defied the then Premier, John Bannon, and the then Treasurer, the Hon. F.T. Blevins, to vote against gaming machines at all stages. At that time I was not a zealot on the matter, and I decided only on the morning of my second reading contribution. I vividly recall supplying longhand notes of my speech to my then secretary, Ms Clare Kemmett, and, before I handed her the last paragraph for typing, I asked her how she thought I would vote because I had been so equivocal until the last paragraph.

It is only my experience of eight years of poker machines in South Australia that has convinced me that they are evil. When the then Treasurer, the Hon. F.T. Blevins, discovered that I was to vote against his bill, he berated me thus, 'Comrade, what have you got against voluntary taxes?' Frank expected to reap $55 million for consolidated revenue in the first full year of pokies. He also expected to resuscitate the ailing hotel trade. He succeeded beyond his wildest expectations. This year pokies will rake in for the state $211 million, and hotels are booming like they have never boomed before. The fact is that the state government of South Australia, whether it is Labor or Liberal, is addicted to poker machine revenue.

If the Premier prevents this bill passing today, he will be like Lucy Van Pelt of *Peanuts* fame, holding the football for Charlie Brown, played by the public of South Australia, to come running in on his promise, only to have it snatched away from them for the fifth time. This is the Premier who said, 'Enough is enough' five times. The Premier knows from polling that a substantial segment of public opinion thinks that pokies were a mistake for our state and would like the government to apply the brakes. Nationwide Liberal polling opinion tells the Premier that—the same polling that tells the New South Wales opposition leader Kerry Chikarovski that. That is why Ms Kerry Chikarovski has been saying that enough is enough with respect to pokies in New South Wales.

As a member of the Social Development Committee that investigated gaming machines and produced the gambling inquiry report, issued in 1988, recommending a cap of 11 000 gaming machines, I know that that segment of public opinion which is worried about pokies is right. The Premier ought to keep faith with those people. The Premier knows that this segment of public opinion contains a higher than average proportion of swing voters, and he wants their votes. But I doubt that the Premier is prepared to sacrifice the likelihood of future growth in the state's $211 million tax take. This is what the debate is all about: that $211 million tax take and how much it can grow.

When I was hearing the evidence given to the Social Development Committee, what struck me most is that, before pokies, only 10 per cent of problem gamblers were women. After pokies, now women have taken their due proportion of problem gamblers: they are half the problem gamblers in our state. The other thing that disturbed me about pokies was their mesmeric design. I have been a punter from the age of eight and, like all punters, I have lost money. My vice is horse racing.

An honourable member interjecting:

Mr ATKINSON: I had an agent who could place it on for me. As the horses fan across the track on the home turn, a combination of organs other than my brain seizes me, and I

think I know what happens to problem gamblers. At the races, one used to have (certainly, when I was gambling at the age of eight) 40 minutes or 15 minutes (depending on whether one was willing to bet interstate) to reconsider one's losses. I know something of what it is like to chase your losses. With pokies, one has 3½ seconds to consider whether one will have another bet; whether one will chase one's losses. I give due credit to the Premier for raising the question of the rate at which poker machines are played: I think that that is probably more important than the cap.

Members will recall that, when the House debated the member for Gordon's bill on a pokies cap earlier this year, the gallery was full of representatives from the hotel trade. When deliberation on the bill finished and the House moved to consider a wide ranging series of amendments to the Liquor Licensing Act, the galleries emptied, and a small number of us were left to examine the minister about liquor licensing for five or six hours without any audience. That told me what the core business of hotels in South Australia really is today.

The member for Gordon's bill (of which this is a copy except for the 24 November date) attracted 32 speakers. No member, therefore, needs to speak again for the sake of their constituents or for any other reason. Members need only photocopy their speech of a few months ago for their constituents and ensure that they vote the same way as they did on 11 July.

Given that this is a conscience vote and a conscience debate, I would like to take the opportunity presented by this debate to say what I would do about pokies if I had absolute legislative and executive authority on this matter—and that is what members opposite challenged me to do at the beginning of the debate, and I am happy to oblige. The state budget cannot lose $200 million, as anti-pokie zealots would have us do: we cannot do that. What must happen is that the people of South Australia should be asked in a referendum whether they consent to pokies being phased out over 10 or 15 years, so that publicans may amortise their investments, and that should be replaced by gradual increments, with a new tax, which may even be of the magnitude of the emergency services levy. But that would only be decided by a referendum. That is my personal opinion: it is certainly not the opinion of the Australian Labor Party. I shall accept the judgment of the people as expressed in a referendum. South Australians should be given that chance rather than rely on the tender consciences of their elected representatives, lubricated, as they are, by the largesse of the Australian Hotels Association.

I concede that a cap on pokies is of minimal value in combating the mischief. I think that the member for Fisher would agree with me when I say that a cap is not the last word—it is not even an apt word—and that, if we as a parliament do the right thing with respect to pokies over the next few years, we may look back in 10 years and say that a cap is a dead word. But a cap is today the best and only thing we can do to restrain this trade.

Mr HANNA (Mitchell): I move:

That standing orders be so far suspended as to allow this bill to pass through all stages forthwith.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of members of the House present, I accept the motion. Does the honourable member wish to speak in support of his motion?

Mr HANNA: No, sir.

Motion carried.

The Hon. J.W. OLSEN (Premier): I take the opportunity to participate in this debate on a matter of principle—consistent principle that I have espoused in relation to poker machines now for some time. However, I want to draw a comparison between the motives and the direction—

An honourable member interjecting:

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

The Hon. J.W. OLSEN: —of the proposal I was putting down and that being pursued by the Labor Party today. What I want is an outcome that brings about change. I do not want, and will not be party to, political stunts. What has been put forward by the Labor Party in its activities in the past day and a half is political one-upmanship, not concern about the successful passage of legislation to achieve an outcome.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order. He will have a chance shortly.

The Hon. J.W. OLSEN: I will be voting for the measure on principle, as will, I know, many of my colleagues. But I just point out to the House that the Labor Party, in applying this political one-upmanship and this political stunt today, has not given serious thought and consideration as to how this bill will be successful in another place. Many of us in this House have supported a cap and some controls being put in place in relation to poker machines. We have been thwarted on no less than three occasions where the upper house of the parliament has rejected the majority view of the House of Assembly. We can go through the process and send the bill, that was rejected in the past few months, to the upper house. I have every belief that if you send the same bill that was rejected three months ago you will get exactly the same result. Therefore, I question the bona fides of members opposite who want to reintroduce a bill that has simply been defeated a few months ago rather than look at how to get the outcome the majority of people in this House want. I am interested in an outcome that achieves the objective.

My voting pattern in this House for five or six years has been absolutely consistent as it relates to poker machines, and it will remain so. For that reason I will, on a matter of principle, support this measure before the House. However, I go on to say that, whilst the member for Spence sits back smugly saying, 'I've got control of the agenda today,' he cannot tell this House that he has any guarantee of success where three previous attempts have failed. I make the point and emphasise that I am only interested in getting an outcome.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. J.W. OLSEN: We have tried unsuccessfully on three previous occasions to get the bill through. It is absolutely ludicrous for the member for Spence and the Labor Party to be pursuing this course. Therefore as a matter of principle I will, as I have on every occasion, support measures to introduce constraints on poker machines. As I indicated, the member for Spence cannot give a guarantee to this House that this measure this time will be successful. Logically, given that it is the same bill that was defeated a few months ago, it is unlikely to be successful.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. J.W. OLSEN: I refer to the member for Gordon, who made a comment in this place yesterday. I will quote him as, after all, this is his bill with a new date put on it; the smart-arse approach, where you are too smart by half—

Members interjecting:

The SPEAKER: Order! I warn the member for Schubert. I warn the member for Hart. I will not be shouted down while I am on my feet. The leader.

The Hon. M.D. RANN: On a point of order, sir, the parliament deserves better than foul language from the Premier over an issue that is of importance to the people of this state. There are children in the gallery: they expect better from the Premier of South Australia.

The SPEAKER: Order! The language is probably inappropriate: it is not unparliamentary, but probably inappropriate.

The Hon. J.W. OLSEN: If it offends the member for Hart or anyone, I certainly withdraw it. The member for Gordon said in this place yesterday:

> What we ought to do is be more strategic, more resourceful in terms of saying, 'Begin with the end in mind, strive to achieve a successful result.' To do that we have to further amend the bill that I introduced to enable it to pass both houses. We know that the bill has support in this place and it failed in another place.

That was the architect, no less, of the bill on which the member for Spence has put a new date and is now wanting to proceed through the parliament. On principle I will support this measure because I will not on any occasion do other than support a measure related to poker machines and their constraint in this House. But what I want to achieve—and it has been my sole objective—is to ensure we get a successful outcome. This too smart by half approach, this political stunt and political one-upmanship, cannot guarantee that end result.

Clearly I anticipate that this measure will be successful in the House today. It will be transmitted to another place, the upper house of the parliament, for its consideration. I note that the Hon. Nick Xenophon introduced a bill yesterday in another place. It will be interesting to see in which sequence these bills will be debated in another place. I give a commitment in this House that the position I put down last week I will maintain. I will seek to either amend or bring in a further bill to ensure that I have canvassed with the range of interested parties in the community a bill that is likely to be successful at the end of the day. I want an outcome. My sole objective has been to pursue that.

Mr Foley interjecting:

The Hon. J.W. OLSEN: I will continue to open up dialogue with appropriate and interested parties, to look at a measure that we can put in place that we know has a chance of being successful in the Legislative Council and from which I know we will get an outcome that a majority of us in this House want. For that reason I will support the measure today, but will continue to pursue a range of discussions, dialogue and amendments, if appropriate, and if that is the more expeditious course, so we get the possibility of an outcome in the shortest possible time. The tactics of the opposition do not achieve that objective.

Mr Foley: You have had seven years John; you have an election coming up—

The SPEAKER: Order! The member for Hart will remain silent.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time.

Mr Scalzi interjecting:

The SPEAKER: Order! I warn the member for Hartley. I remind honourable members of the courtesy standing order that when the Speaker is on his feet the House stops interjecting. Members should not need to be reminded of it. The member for Gordon.

Mr McEWEN (Gordon): There are times when I think we need to deal with issues in a very statesman-like way. We sometimes need to deal with issues that impact on so many people in this state that we ought to put politics aside and we all need to show leadership and statesmanship. This is one of the few issues we have addressed in this place in my time here where we all need to rise above some political point scoring for a while and embrace collectively as the elected leaders of this state to address a very complex issue. To that end I acknowledge that the Premier has made some valid points in reference to this bill which, if we do not show some leadership and statesmanship, will be destined for the same fate is it faced last time. So, we simply will have participated in a stunt. We need to handle this in another way.

If we today move this bill back to the other place, the two parties need to say that they will work in a determined manner, a conscience vote notwithstanding, to show leadership in their teams and to couch acceptable amendments to this bill in another place to ensure that it does not again face defeat. A defeat anywhere is a defeat for all of us: a defeat here today, a defeat in another place some time later, is a defeat we will all have to accept collectively and we will all be collectively telling the people of South Australia, 'Here is a complex issue that we do not have the skills, ability, wit or wisdom to deal with,' and that will be a sad indictment on all of us. I am happy to see it go back to another place, but I beg all of you to show real fibre in terms of finding a satisfactory resolution.

The Hon. G.A. INGERSON (Bragg): I have consistently supported poker machine introduction in this state. I have done that over many years for a whole lot of reasons, the fundamental one being that I have a view that individuals have a right to choose what they do within the law of the state as it stands. If we wish to change that, that is a parliamentary decision. If you are going to be a statesman, you need to be able to put facts on the table which support your statesman-like approach. All you have to do in this case is take one of the best commissioned reports that has ever been written in this country about gambling (it is called the Productivity Commission Report), and read chapter 4 or 5. It has stated, absolutely categorically, that there is no evidence in the world that the capping of poker machines will, in fact, reduce welfare issues. It is an absolutely categorical statement. It is not Graham Ingerson saying it: it is an independent commission saying it. Everybody, on both sides (supporting or opposing poker machines), has agreed that it is a magnificent and excellent contribution to community debate.

So, if this group of economic and social experts says that there is no evidence that capping will fix it and that we should do a whole range of other things, that is what we ought to be doing if we want to be statesmen. I said that in this House once before, and I repeat it. There are about 20 or 30 recommendations in the Productivity Commission report which I support very strongly, and they are welfare issues. I said last time in this House, and I have said it before, and all my colleagues in this place have heard me say before, that if we are fair dinkum about the problem of poker machines let us put some real money into the area of welfare and set up a

decent commission, independent of any government, to make sure that the welfare issues are properly managed. That is what we ought to be doing, not playing around with caps which are going to have absolutely no effect.

Mr McEwen interjecting:

The Hon. G.A. INGERSON: I know I am not a statesman, but you are. I think one problem is that people in this place who have a short opportunity to be here become wonders of knowledge in every area and experts in everything. Anyone in this place and in this world knows that anybody who calls themself an expert you have to put a question mark against: you have to then say, 'I do not believe anything they say.' All of us have heard experts before and we have often heard would-be statesmen, and they often come through in this place.

The other issue I want to talk about is what I think is the most hypocritical comment that I have heard from the Leader of the Opposition in a long time in this place. Five minutes ago he was saying, 'All this money you are going to get from poker machines you are not going to do anything about.' Well, Leader of the Opposition, how about putting out a policy statement that you will reduce the income from poker machines. And what you are going to do about the effect on the budget? That would be a very statesman-like move. I would be very interested if your shadow treasurer would allow you to say, 'I will cut $25 million or $30 million from the income from poker machines.' If you are going to do it, actually get up and say it right now, because it is about time we heard from the opposition that it is going to reduce the income from poker machines, either by increasing tax or not collecting it—one or the other; I do not care which way it is.

The next step will be which hospital bed you will cut and which teacher you will put out of work. We all know that the income from payroll tax, poker machines or gambling is a very significant part of the state budget. So, I would be very interested to hear what sort of statesman-like approach we will hear in regard to that.

I support the Premier in his comments on this area, although I will not support the capping of machine numbers. We actually need to think this through properly. It is another stunt from Labor. Unfortunately, it is going to be supported by a few other so-called statesmen in this place. But one of the major things that we need to get out of this is to actually get a few people to read the Productivity Commission Report—as I have done—and look at all of the welfare recommendations that they have made, and then do something about it. I call on the government, and this parliament, to get serious about the welfare issues and then sort out how other people can get on with spending their money. I do not support the bill.

The Hon. M.D. RANN (Leader of the Opposition): I rise to support the member for Spence's bill. Some of the hypocrisy that has been said here today has been interesting. The fact is that the vast majority of South Australians who play the pokies do it without risk or downside—they go and have a flutter on a Friday afternoon or a Saturday and have a cheap lunch. But we all know that there are those who have been seriously affected by poker machines. All of us know that, and we all have a clear and consistent message from people in our community that, whilst they think that it is fair enough that anyone can choose to go to the races and gamble on the TAB or go down and see their bookie, buy scratchies, or use the Lotteries Commission, people have a right to choose their modes of gambling. Thank God, yesterday we were able to save the Lotteries Commission from being privatised: it has taken a long time, and the war is not over yet. But, finally, we have been able to ensure that parliament prevails, and the Lotteries Commission has been saved by Labor and by the Independents from privatisation.

We have found, however, that some parts of poker machine gambling promote a response among some problem gamblers that causes a real social problem. The impact of that problem is quite serious for many families in our state in terms of their income. That is why many members of this House who voted in support of poker machines eight or nine years ago recognise that it is now important to make sure that the worst impacts of that on those few problem gamblers are dealt with as best as they can be. That is what we are talking about.

What concerns me, however, is the gross hypocrisy of a government and a Premier who, every time he needs a headline, rushes to the newspaper and gets the same headline, whether it be in the *Sunday Mail* before the last election, with 'Enough is enough', or in the *Advertiser* on a quiet day last week, again with 'Enough is enough.' There is constant talk about doing something, yet nothing happens while they rake in hundreds of millions of dollars. It is the hypocrisy of the Liberals that makes us all wonder about what they really stand for. What the Liberals are on about is, 'How do we continue to rake in all this money from poker machines but make ourselves look like we care about those few problem gamblers on whom it impacts?'

So, the latest 'Enough is enough' headline was followed by 'Let's do something next year about it: let's be proactive in election year,' so that people feel that this Premier is really caring and sharing, when he is not. I think people are crying out to be able to say that they live in a community and not just an economy.

We know that there is a warehouse in Adelaide completely full of poker machines waiting to be installed. I was encouraged last week by a visit from Mr Lewis, of the Australian Hotels Association, who came into my office with a senior representative of the churches in South Australia and talked about a really positive plan between the community sector, the churches and the AHA to deal with problem gambling. I salute both organisations for coming together in a proactive way.

I was also pleased that Mr Lewis and the Australian Hotels Association have endorsed the leadership of bringing in a cap on poker machines, and other measures such as slowing down poker machines, in order to try to alleviate their impact on problem gamblers.

Talking about stunts, we have seen plenty of stunts. Every time there is a poll which shows that the government and the Premier are not seen to be caring and that they seem to be interested only in privatising everything that moves, suddenly we get a front page from a sympathetic newspaper saying, 'The Premier to act. Enough is enough.' Well, here is the opportunity for those of us who support the cap on poker machines and support some of the other things being put forward to actually put our money where our mouths are in a conscience way.

My suspicion is that the people of South Australia can spot a fraud when they see one. They know that month after month, year after year, the government of this state is pretending that it cares while it rakes in hundreds of millions of dollars and its only policy—this policy-free zone of a Premier and a government—is to sell off everything that it

has: sell off the lotteries, sell off the hospitals, sell off the power system and sell off the water. I support the bill.

The Hon. R.B. SUCH (Fisher): I wish that this place exhibited the same passion for a lot of other issues, such as young people, unemployment, crime, drugs and so on, as we often exhibit in relation to gambling. It is an important issue, but sometimes we seem to get into a lather in this place over gambling when, although it is important, it is certainly not the only issue of concern.

I do not reflect on people's motives. I am sure that the Premier is sincere. He has a concern about this issue, as I am sure members opposite have, as well. However, this measure will not solve the problems arising from gaming machines. The horse left the starting gates a long time ago; in fact, the horse is getting close to the finishing line. The Social Development Committee issued a report on 26 August 1998, headed 'Committee wants capping of gaming machines in South Australia'. It recommended that they be capped at 11 000 and reviewed biennially with the long-term aim of reducing the number of them to less than 10 000 in the future. That report, which was the result of a lot of work by members of the committee, including me, was sent off to the government. Over a year later, on 25 October 1999, the Treasurer replied to the committee:

> Please find attached the government's response to the committee which I am forwarding on behalf of myself and ministers to whom recommendations of the gambling inquiry report were referred.

In his response in relation to the cap, he said:

> The matter of a cap on the number of gaming machines in South Australia has recently been considered and rejected by parliament as part of the Gaming Machines (Freeze on Gaming Machines) Amendment Bill 1998, introduced by the Hon. Nick Xenophon on 4 November 1998. This matter was a conscience vote of members. It will continue to be a matter for a conscience vote of members.

Many people would argue that the conscience vote is the pressure cooker valve of the parliament. Many would argue that we should have a conscience vote on all issues, and as an Independent that is exactly what I can exercise. The member for Spence chided me about poker machines being a macro issue. I have always argued that what is wrong—and I argued this when I was in cabinet—is the modus operandi involved with them. With the old one-armed bandits, people could win a little, lose a little; they could play them for hours, and it was a relatively harmless activity. However, in South Australia we have something that brings in over $200 million a year to the government, and all governments now will be hooked on that revenue.

If you took the $200 million out of the budget, the budget would be in a very serious and parlous state. The issue is not merely about capping machines, although I will support the measure only because it sends a message. As I said earlier, the horse is almost at the finishing line. I was heartened to read the Premier's comments in the *Advertiser* last week, including the point I have been arguing for a long time, that we deal with the modus operandi of these machines. That is the only way to proceed, and it does not matter then how many machines you have if people cannot do serious harm to themselves by using those machines. The number of machines becomes irrelevant if when using a machine you cannot do any specific harm.

The other point made by the member for Bragg—and I agree with him—is that, if we are serious about the small percentage of people who are continually harmed by gaming machines, the government and the parliament should increase the assistance needed to help those people. If decisions made in this chamber are going to reflect reality, we need to accept that there are people in this parliament who are supported in one way or another by people in the business community, including the hotel and club community. There is nothing wrong with that but people should be open and honest about that. Similarly, people opposite are generously supported by some of the unions whose membership depends on an expanded gaming industry. Let us cut out all the hypocrisy, claptrap, and the holier than thou attitude and acknowledge that members in both houses have links to unions and businesses that are sustained as a result of the gaming industry.

An honourable member interjecting:

The Hon. R.B. SUCH: I do not have a problem with that. However, I have a problem with people not admitting it or accepting and acknowledging that their support comes from those sectors. I come back to the point that this cap proposal will not solve the major problems. It sends a message to the community, and it may make people feel better, but it will do little in itself for the problem gamblers, and it will not tackle the issue of the modus operandi of the machines, a matter that the New South Wales government is examining. I indicated earlier that the *Advertiser* article touched on that, and I thought that for the first time we were starting to get a bit of sense into this whole debate. In essence, my position is that I support the bill really in order to raise the flag and say that there are concerns about the number of machines, but this measure does nothing to tackle the numbers of existing machines and, importantly, the way they operate.

Mr FOLEY (Hart): I will oppose the cap today just as I have opposed the cap previously and will continue to oppose the cap in the future. I support the very proper move undertaken by the opposition yesterday, by my colleague the shadow Attorney-General today and supported by the Leader of the Opposition. I have witnessed year after year the hypocrisy, the double standards and the lack of sincerity of the Premier of South Australia, John Olsen. Some years ago the Premier made the statement 'Enough is enough!' Since the Premier made that statement, 2 400 more poker machines have found their way into South Australia. The Premier has not shown leadership on poker machines in this state. He has simply gone to the *Advertiser* to get his biannual headline and banners outside news agencies saying, 'Olsen gets tough on pokies'. It always has been and always will be a political stunt by the Premier.

Last Friday the Premier was to get tough on pokies, and he claimed that enough is enough and that he will clamp down on the hotel industry with regard to poker machines in this state, but he will not do it until March next year. What absolute and—to quote the Premier—arrant nonsense. If the Premier feels so strongly about a cap, is sincere and fair dinkum, he would have walked into this place not today, yesterday but months ago and moved a bill through all stages. He would have put his leadership on the line, put a lot of pressure on his own colleagues and moved that piece of legislation. He did not do that, and he has never done that, because the Premier of this state is not sincere or fair dinkum but is about political stunts.

Mr MEIER: I rise on a point of order, Mr Speaker. Whilst I received the bill only about half an hour ago, I do not think anything in it relates to what the member for Hart is talking about. What he is saying is totally irrelevant.

The SPEAKER: Order! The member will resume his seat. There is no point of order.

Mr FOLEY: Thank you, Mr Speaker. The Premier plays games on poker machines, and he does it for base political purposes. The opposition is right to be debating this matter today and to debate it in another place tomorrow. It is not a complex issue but a matter of simply whether we have a cap. We have had the debates before; we know the arguments. I want to highlight the double standards of this Premier, because I do something every year which a lot of us do—we attend the annual Christmas luncheon of the Australian Hotels Association.

Mr Atkinson: Who doesn't!

Mr FOLEY: I do not think that the member for Spence does, but a lot of us do. What happens every year? The Premier gets up in front of the Hotels Association and the membership of the AHA and he praises the industry, the growth in the industry, the jobs in the industry and the investment in the industry. He talks in glowing terms about their contribution to our economy, but he has never once talked about his views on poker machines. He has never once talked about his anguish about the number of poker machines. He has never once put forward a view about the need to cap poker machines and the destruction and devastation that he thinks it causes to families in South Australia. In front of the audience of the AHA, he has never once been sincere or fair dinkum about explaining his views about poker machines and his concerns. I wonder why.

How does the Premier think that we have vast investment in the hotels industry in this state? How does the Premier reconcile the jobs growth in the hotel industry? How does he think the expansion in the economy in the food and hospitality industry has occurred? In large part, it has occurred through the growth of the gaming industry—the positive side of the issue. If the Premier was sincere, he would have told the AHA last year, he would have expressed his concerns, but, no, he does not. Many people in this parliament—and I dare say many people outside of this parliament—will accommodate the Premier; can give tacit support for the Premier. I will not be one of those. I will not waiver in my opposition to a cap because I believe it is fundamentally wrong and flawed.

That is a personal view. My colleagues have a different view; they are entitled to it. At the end of the day, it is for all of us to make our own objective assessments. Those in the community, the hotel industry and in other parts who think that by supporting what the Premier is doing tacitly, covertly or overtly is a good idea are letting their own industry down because, if the arguments for or against a cap are so strong, we should have those arguments. We should not waiver from those provisions and we should be prepared to stick by our views and our convictions. We should not be prepared to be flexible and to accommodate the political imperatives of the Premier.

I say to the Australian Hotels Association that, in recent days, it has demonstrated to me that it is prepared to accommodate what the Premier is doing. I am not because I think it is fundamentally wrong in policy, but, more distressing for me, it is fundamentally wrong and he is deceiving the community. He is putting forward a false view, a mirage and a very sophisticated political argument that has no teeth, no sincerity and is not fair dinkum, because you do not make policy that affects the people of South Australia via a headline in the *Advertiser*, you make it in this place. You make it in this place, then you get your headline in the *Advertiser* and then you get it on the TV news. If he was serious about his policy, the Premier of this state would make the law here, not make it on the front page of the *Advertiser*.

I will say once again, the Labor Party was correct in calling the Premier's bluff. The Labor Party is correct to make the Premier accountable. The Labor Party is correct in saying, 'Mr Olsen, put up or shut up.' What we have seen is the Premier being dragged into this place to put up. He has been dragged into this place to put up this bill five months before he was going to do it. I was not prepared to tolerate that and that is why I supported my colleagues, the shadow minister and the Leader of the Opposition because, if this debate went on for another four months in the community, what about the uncertainty it would cause in the community and in the hotels industry? What about the uncertainty in the investment community by having this issue hanging over the head of this state for another four or five months? That is why we make law in this place, not on the front page of the *Advertiser*. I oppose the cap; always have, always will. Let us show the Premier for what he is: playing base politics. He is not sincere; he is not fair dinkum. This is nothing more than John Olsen at his political best in the lead up to a state election.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I support this bill—

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The member for Spence indicates that I spoke on this a few months ago. Indeed, as he acknowledges, effectively it is the same bill, a bill introduced by another of our colleagues and rebadged by him, but it does provide the opportunity for the parliament to reflect on the issue again. Of relevance, since the time I last spoke in this place, I have now undertaken a survey of my electorate, the electorate of Bright. In undertaking that survey, to date, we have been through the first 511 responses. The last of these came in four weeks ago. Of the 511 people in my electorate who were surveyed, asking whether they would like to see the number of poker machines reduced—not capped, reduced in number—409 said, 'Yes'; 69 said, 'No'; and 33 were unsure. That is an overwhelming majority. More than 80 per cent of those who responded to my survey wanted to see poker machines not just capped but reduced in number.

This issue keeps coming back to the chamber. Today we are talking about simply a cap on poker machines. There is no doubt that this bill will pass through this chamber today. Equally, there is nothing surer than night follows day that again we will be back in this chamber not debating simply a cap on poker machines but a reduction of this insidious threat that is moving through our society. Amongst Labor ranks today there are only two members—just two members—of the current Labor Party in the House of Assembly who were part of the past government and are able to hold their head up high as having voted against poker machines. They are the member for Spence and the member for Price. There are only two others from the Labor Party in the lower house who voted against poker machines have now retired, namely, the Hon. Lynn Arnold and the Hon. Don Hopgood.

Other members of the Labor Party who served as part of the government voted to put poker machines into this place, including the opposition leader Mike Rann. The opposition leader Mike Rann has spent a fair bit of time today talking about stunts and hypocrisy and saying that the people of SA can spot a fraud when they see one. What we have seen in this chamber today by the Leader of the Opposition has been

a wonderful backflip on poker machines because he supported the introduction of poker machines into South Australia. His vote in the *Hansard* is proof of that fact and testimony to his support for poker machines in South Australia. We also heard from the Labor Party talk of double standards and lack of sincerity.

Today will be a chance for the new members of the Labor Party (those who were not here to be part of the bill) to demonstrate their sincerity and their level of standard on the public record. That will be an interesting spectacle to watch, to see their names recorded against their vote. I will watch with interest to see how many members of the current Labor Party oppose poker machines and demonstrate they oppose it by supporting the bill now put forward by their colleague the member for Spence. It will be interesting to see—

Mr Venning interjecting:

The Hon. W.A. MATTHEW: The member for Schubert indicates some of them may fall on their own sword, and indeed I suspect they will. It was only yesterday in this House that we had a wonderful stunt pulled by the Labor Party, nothing more than a political stunt—

Mr Conlon: You were grinning from ear to ear.

The Hon. W.A. MATTHEW: The member for Elder now interjects. I will listen to the contribution from the member for Elder, if he makes one, and, if he does not, I will very carefully and very closely watch how he votes. The member for Elder has a number of friends who were involved in the last vote and the last vote is of significant relevance to what we are seeing today and to the debate contribution where Labor Party members have talked about stunts and hypocrisy. I was in this House when the Gaming Machines Bill first went through the parliament, the bill that was introduced into the parliament by the Hon. Frank Blevins. I well remember what happened to that bill when it went to the Legislative Council, because I was sitting in the gallery at the time.

As the final vote was about to be taken, it was adjourned. It was adjourned before the third reading vote. There was a very good reason for that; that is, the bill was going to be lost. If the vote had been held at that time that bill was going to be lost and a Gaming Machines Bill would not have been passed in this state. What then happened was the sitting of the House was suspended and during that adjournment an interesting thing occurred. The Hon. Mario Feleppa (now retired from the parliament) was invited into the office of one of his Labor colleagues. In fact—

An honourable member interjecting:

The Hon. W.A. MATTHEW: Well, 'forced him' is suggested. I am perhaps giving the benefit of the doubt.

Mr ATKINSON: I rise on a point of order, sir. The minister is canvassing the merits of legislation that was passed in 1992. He is reflecting on the decision of the House. He is also canvassing matters such as Mario Feleppa's conversion, which has absolutely no bearing on the bill before the House.

The SPEAKER: I do not accept the point of order. I imagine that he is making a passing reference to Mr Feleppa and will probably return to the bill very shortly.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker. The meeting that occurred in an office in the basement of this House was interesting. While they are thick doors in this building, they were not thick enough to conceal the foul language that was emitting from that room as members of the parliamentary Labor Party harassed, harangued and berated that man until he changed his vote.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The member for Spence may well call it a 'conversion': I call it intimidation.

Mr FOLEY: I rise on a point of order, sir. Is the minister impugning improper motives to members and former members of this parliament?

The SPEAKER: Would the member please face this way when he speaks and repeat that?

Mr FOLEY: I apologise, sir. My point of order is this: is the minister impugning improper motives to current or former members of this parliament in his comments?

The SPEAKER: I do not uphold that point of order at all.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker. I can well imagine why the Labor Party does not want this to come out here today. You have had the gall to stand up here and accuse people on this side of stunts and hypocrisy. The fact is that it was pure, unadulterated Labor Party heavy-handed tactics and the thuggery of your union mates, in which you engage so often at Labor Party conferences, that were employed against Mario Feleppa until that man broke. That is how poker machines came into being in this state, that is, through filthy, dirty, Labor Party heavy-handedness. There are no ifs or buts: that is how it happened. And there are witnesses—

Mr WRIGHT: I rise on a point of order, sir. A moment ago you said that the minister was making only passing reference to this. Is that still the case?

The SPEAKER: Order! There is no point of order.

Mr Foley interjecting:

The SPEAKER: Order! The subject of this bill is fairly wide-ranging on the issue of poker machines and the history thereof. I do not see any evidence at this stage that the minister is out of order.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker. There are some well-known Sisters of the Catholic Church who are well known to the member for Spence and who heard what happened in that room; they heard the language that came through the door and they remain to this day disgusted by what occurred. The member for Spence and the member for Price can hold their heads high. They have consistently opposed poker machines, and I give them due credit for that. But other members of the Labor Party who in any way, shape or form associate themselves with the thuggery that occurred on that night can hang their heads.

Today, Labor Party members have the opportunity to vote with their colleague, the member for Spence (as, indeed, I will), to demonstrate that they oppose what occurred, and to demonstrate that they want to put that past behind them. Any member of the Labor Party who does not vote with the member for Spence today indicates that they support that type of thuggery occurring in their party.

Mr FOLEY: I rise on a point of order, sir. I ask the minister withdraw that remark unreservedly. I have already stated that I intend to vote today against a cap. He has just impugned my motives. I demand an immediate apology and retraction.

The SPEAKER: I do think the minister may have overstretched his mark and I ask him to withdraw it.

The Hon. W.A. MATTHEW: I am surprised by the new-found sensitivity of the member for Hart but, if he is offended, I withdraw.

The SPEAKER: Thank you.

Mr FOLEY: I rise on a further point of order, sir. I ask that the minister unreservedly withdraw and apologise for his remarks—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: —and that he do so in accordance with—

Mr Condous interjecting:

The SPEAKER: Order!

Mr FOLEY: —your ruling, sir.

The SPEAKER: Order! The member for Hart will resume his seat. I ask the minister to cooperate with the chair and withdraw and apologise so that we can move on with the debate.

The Hon. W.A. MATTHEW: To assist the proceedings of the parliament, if the member is offended, I withdraw.

Mr FOLEY: Mr Speaker, again I ask that he not defy the ruling of the chair and unreservedly withdraw and apologise.

The SPEAKER: Considering the tenor of the debate, I think the minister has withdrawn. The chair is satisfied with that. The member for Ross Smith.

Mr CLARKE (Ross Smith): Like the member for Hart, I rise to oppose the bill. In so doing, I do not think I could sum up my opposition much better than by referring to what was said by the member for Playford on 11 July 2000 when this bill was last debated and when he said:

> 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 addicted . . . 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 support the views of the member for Playford. I hope that the member for Spence, when he direct mails my electorate, will draw attention to the fact that in my opposition to his legislation I draw upon the views of his close colleague the member for Playford.

Mr Atkinson: Probably not.

Mr CLARKE: The member for Spence says, 'Probably not.' It is indeed odd that we find members of the same political party direct mailing the electorate of another member of the Labor Party pointing out a conscience vote that a member of the Labor Party has made, such as he did with respect to the prostitution debate.

Let me make my position absolutely clear. I will always vote in accordance with Labor Party policy on this issue. As this is a conscience vote for the Labor Party, I will vote in accordance with my views. I will not be intimidated by the antics of the Ayatollah for Spence. There is a little too much fundamentalism in this world and I, for one, am not prepared to put up with it: I, for one, am prepared to state my position and, if the electorate does not like it, by all means it can vote against me.

What I want to put to the House today is simply this: there has been a lot of talk about hypocrisy. Yes, there is a lot of hypocrisy on both sides of the argument for different reasons, because not one member in support of the member for Spence's argument has yet said where we will come up with the shortfall of $200 million in government revenue. Not one member on the opposition side or on the government side who supports this bill has got up and said what hospitals we will close; what schools we will close; how many teachers we will sack; and what mental hospitals we will close to make up the $200 million shortfall.

At the same time, not one member in this House, including the member for Spence, believes that a cap on poker machines will eradicate problem gambling in our community. As the Productivity Commission pointed out in its report (and I agree with the member for Bragg on this), after an exhaustive study it found that it will not make one iota of difference to problem gambling. If we want to get rid of problem gambling in this state with respect to poker machines, let us collectively have the guts to get rid of the poker machines full stop—eradicate them. If the member for Spence or any other member genuinely wants to get rid of or eradicate the problems associated with poker machines, then let us move for the dismantling of poker machines and we can have the debate then.

I would not necessarily support that legislation, but I believe that, at least, it would be a far more honest approach to problem gambling than this shillyshallying over saying that a cap will be a cure. It is putting out false hope to the community. It is saying falsely to the public that we are doing something about problem gambling. I suggest that both sides of the argument in this place on a cap on gaming machines are playing to the headlines of the *Advertiser* or the *Sunday Mail*, because all members know that a cap is a sop to that criticism but it does not tackle the problem.

No honourable member has stood up in this House in support of a cap and said, 'How much extra money will we allocate to assist those families in need?' No-one has asked that question. No honourable member has said for what purpose we will use that $200 million. No honourable member has yet stood up and said, 'What will we do about the problem gamblers in the TAB?' or in other forms of legalised betting. No honourable member has put up a resolution that the TAB should pay some of its funds into the problem gamblers' fund or the rehabilitation fund. No honourable member has put that forward in this or the other chamber, and I despair about this.

Mr MEIER (Goyder): I move:

> That standing orders be so far suspended as to enable Other Motions to be postponed until Private Members Bills/Committees/Regulations No. 10 is disposed of.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of the members of the House present, I accept the motion. Is the motion seconded?

An honourable member: Yes, sir.

The SPEAKER: Does any member wish to speak to the motion?

Mr LEWIS: I rise on a point of order, sir. What is the motion that we are debating at the present time? I thought that this measure had to be dealt with.

The SPEAKER: If the honourable member will resume his seat I will explain to the House. I refer the honourable member to standing order 80A. The original suspension of standing orders under 80A(i) was to allow the bill to be debated between 10.30 a.m. and 12 noon. If the honourable member looks at standing order 80A(ii) he will see that from 12 noon to 1 p.m. Other Motions are called on. We are now in that period for Other Motions. The suspension has now been moved to allow us to move back and continue the debate on the bill.

Mr HANNA: I rise on a point of order, sir. I do not want to take up the time of the House but, strictly speaking, the motion that I moved earlier to suspend standing orders, I would have thought, took precedence over the standing order that has just been quoted.

The SPEAKER: The honourable member's motion does not have precedence. If the honourable member reads the

standing order he will see that it is very clear: we can deal with bills until 12 noon. Originally, the bill would have been moved, there would have been a second reading contribution and it would have been adjourned. The honourable member's motion meant that the House would continue past that time and be able to debate the motion, not just adjourn it. However, that does not bring the House past the 12 noon position. We are now in the period of Other Motions. The honourable member on my right has moved a suspension of standing orders to allow the debate to proceed.

Mr HANNA: It is your call, sir.

The SPEAKER: Thank you.

Members interjecting:

The SPEAKER: Order! We have a further point of order.

Mr LEWIS (Hammond): I wish to debate the proposition.

The SPEAKER: The honourable member can speak but please remember that the motion before the House is that standing orders should be suspended to allow the debate to continue. The member for Hammond.

Mr LEWIS: I am opposed to the suspension of standing orders, my point being that there are Other Motions, matters of which members have given notice, and there are 18 of them that will otherwise be missed if this motion to suspend is agreed to. Among those motions are matters of equal if not greater importance to people in South Australia than this measure. In my judgment there is insufficient time in private members' time. The government seems to me to be saying that it does not really need to sit next week. It ought to accommodate the concerns of the people of South Australia that have prompted all of us to get before us not just the 10 propositions to amend law but also the 18 propositions to resolve issues of great moment and importance at the present time.

If we needed a reason to be sitting Tuesday, Wednesday and Thursday of next week, that is it. I cannot agree, without the government giving us a commitment to provide the time to deal with these matters, to the proposition of the government whip now to suspend standing orders further and to ignore all those other matters, some of which are there in my name and some of which, obviously, are in the names of other members in this place. It is for that reason that I urge members to oppose the motion to suspend standing orders further.

Mr MEIER: Sir, do I have the right to reply as the mover of the motion?

The SPEAKER: Yes, as the mover the honourable member has the right to speak, but only the honourable member.

Mr MEIER: I want to explain the reason for moving suspension, and I would have thought that it was very clear to the member for Hammond. This issue was sought to be brought on yesterday without notice. That matter was considered at that time and the motion was lost because there were insufficient numbers for a suspension of standing orders.

Mr Lewis: In government time.

Mr MEIER: In government time, as it happened to be. Today the parliament agreed to consider this in private members' time. The member for Hammond would be well aware that, on a multitude of occasions, it has happened that 12 noon arrives and the parliament must decide whether it will continue to debate Notices of Motion or allow Other Motions to be considered. On many occasions (as a result of prior arrangements made by the whip in most instances) it has been decided that Notices of Motion will continue and members with an interest in Other Motions have therefore been deprived of the right to speak.

An honourable member interjecting:

Mr MEIER: This is not setting a precedent at all: it is simply allowing that matter to proceed. I hope that all members will support the suspension of standing orders.

Members interjecting:

The SPEAKER: Order!

Question—'That the motion be agreed to'—declared carried.

Mr LEWIS: Divide!

While the division was being held:

The SPEAKER: Order! There being one for the Noes, I declare the vote carried in the affirmative.

Mr CLARKE (Ross Smith): In the remaining minutes, I would like to also point out that the hotel industry in this state is a perfectly legitimate industry, but the people are being treated as if they are a bunch of criminals and produce no good whatsoever for the state of South Australia. In one sense, I have a conflict of interest in that my daughter works at a hotel—but it does not have any poker machines, of which I am aware. In any event, the hotel industry in this state is a legitimate industry, which contributes many thousands of jobs and, as part of its industry it has poker machine venues, lawfully put into place in accordance with the laws passed by this parliament. I think it is about time that we recognised that as a fact, and that many hoteliers not only follow the AHA code of conduct with respect to problem gamblers but also seek to do the right thing with respect to problem gamblers who are brought to their attention.

I might also add that, as the member for Playford has said, whilst a fraction of the community is very hard done by because of their problem gambling, why cannot the overwhelming majority of hotel patrons go along and enjoy the social hospitality of a hotel, and if they wish to wager some of their money on poker machines why is that seen as being evil? The overwhelming majority of people are not problem gamblers, yet we insist on trying to label everyone who goes into a hotel or plays a poker machine as being a problem gambler, destructive to society. I just don't—

Mr Koutsantonis: That's not true.

Mr CLARKE: Well, that is the gist of the arguments that are constantly being put. But the member for Peake and others who support the member for Spence's legislation do not at any time get up in this House and say from where we will replace the $200 million in gambling revenue. Quite frankly, if we want to get rid of poker machine revenue, we will have to look at death duties, land tax on private residential homes—maybe that is desirable, but at least get up and say so. Let any member of parliament get up and advocate that—or an increase in payroll tax. Quite frankly, I cannot see from where else, out of a state revenue base, we will find the $200 million to do all the things that we want to do to make this a better society.

Mr Atkinson interjecting:

Mr CLARKE: The member for Spence interjects. As the shadow attorney-general, the shadow minister for justice, let him get up in this chamber and say from where he would replace the $200 million. How would he fund legal aid? We complain about legal aid, or the lack of it, in this state: where will we get the money? We complain about the fact that there are not enough police officers. How many police officers are employed by that $200 million? Where would he find it? What about the backlog of cases in our courts, where we have

people who cannot enforce their rights? Where will he find the money in his budget, as Attorney-General, to replace the $200 million that he would like to get rid of?

By all means, let us have an honest debate about this, and let us stand up and add up the dollars and cents and say what services we will cut or, alternatively, what other taxes will increase—because you cannot do a Pontius Pilate on this one: some $200 million is at risk. And there is also the fact that 98 per cent of the population happen to enjoy going to hotels or clubs and playing poker machines in a responsible way. Those 2 per cent need to be looked after, they need to be taken into account, and we have to spend more money and adopt the Productivity Commission's recommendations. Just simply putting a cap on it might make it feel good for a headline in the *Advertiser*, but it does nothing for those people who are affected by poker machines.

Mrs MAYWALD (Chaffey): I rise to support the bill through its stages here in this House and to see it progress through to the upper house. I would like to reflect upon some of the events that have led to us being here this morning debating this bill again. Back in March this year, the member for Gordon introduced a bill to freeze poker machines. That bill passed this House with amendments in July this year. The amendments were moved by a number of members in this place and they included a move by me to amend the bill to ensure that there was a review of all the processes and practices surrounding poker machines in this state.

I think that a lot of people who have made contributions to this House today are quite correct in their differing views, but for the same reasons. The Productivity Commission report stated that a cap on poker machines would not solve the problem and that a lot of other areas needed to be addressed. I believed that we could do this by reviewing where we were and where we were going with poker machines in this state. I supported the initial bill on the basis that it was a freeze, it was not a cap. What we are seeing here is another freeze, and we now have an indication from the Premier that he intends to do some work between now and when this bill arrives at the next place to ensure that it will have a better chance of getting through the next place, and also address those issues that were raised in the Productivity Commission report.

The original bill introduced by the member for Gordon was defeated in another place on the basis of retrospectivity, amongst other things. I believe that the real problem with the events that have led to us being here today was the fact that an intention was made known through the press rather than through this place to introduce another cap on poker machines. It is one of the dangers and one of the risks of government by press release, and I think that that was a big mistake. The opposition trumped the Premier on this issue yesterday afternoon when it tried to suspend standing orders to bring on a private member's bill that already had been debated in this House during government business time. I did not support that move yesterday because it was a private member's bill and we had private members' time coming up this morning, and I thought that that was the appropriate time to discuss this issue.

This bill has already been debated in this place: my arguments are already on the record. But I think it is important to note that the Premier's intention to do the homework to ensure that it has a better chance of passage through another place between now and when it is debated in another place is a good intention and should be supported by everyone in this House.

Mr CONLON (Elder): I will be very brief, because my views on this subject are on the record and I do not need to repeat them. I think that it is unfortunate that, in dealing with this issue, both the member for Bright and the member for Ross Smith have chosen vituperation over debate. The comments of the member for Bright that would impute some sort of thuggery to those people voting on this issue putting public policy over what is a hypocritical, knee-jerk bill designed not to address the problem is below contempt. The comments of the member for Bright—the minister—were below contempt, and I will deal with him again in a moment. It is not necessary to vituperate the member for Spence merely because he does not have a particularly bright idea on this occasion.

It pains me to involve myself in a debate of this kind, because I normally choose to conduct myself with both decorum and courtesy in this place towards all people, even those who so plainly do not deserve it. I make plain that, while the AHA has made comments about the leadership of John Olsen on this that I find puzzling, it appears that it has continued to take a responsible position in regard to the cap. The Productivity Commission, I note from a letter from the AHA today, suggests that 'a statewide cap could perversely have adverse effects on existing problem gamblers.'

All I say in closing is that the notion of a cap is so ill-conceived and ill-designed to address the problems that those people say it is addressing, so knee-jerk and shortsighted, that I would like today to give it the proper name it should have: I would call it the dunce's cap. With regard to the contribution of the member for Bright, there is a saying that if the cap fits, wear it. Never has a member, so decorated, so deserved the dunce's cap that I am happy to suggest that he wear it today. I go further and say that, had he had the full normal quota of wit, he would have made a spectacle of himself. Given the proportion of wit he has, he has probably only made a monocle of himself!

Mr SCALZI (Hartley): I support a cap, or a freeze, as contained in the bill introduced by the member for Gordon. I support the member for Spence, provided that he has paid the copyright and royalties to the member for Gordon. I have stated publicly that, had I been in this place in 1992, I would have voted against poker machines. As a member of the Social Development Committee, of which the member for Spence is also a member, I know that we supported a cap of 11 000 machines. There is no question that we have gone over that capping, so it would be hypocritical for us, as members of that committee, if we did not support a cap or freeze.

However, I have also stated that poker machines are not the only gambling ill in our society. The Hotels Association must also be commended on the money that it puts back into the community for problem gamblers. We should look at gambling in general because all forms of gambling can cause problems in our community. So, capping is not the panacea. Nevertheless, it is an important step which the Social Development Committee supported and which the community wants.

I support the Premier in dealing with this problem because, if we do not do so, we are really neglecting the wishes of the people. However, let us not have a knee-jerk reaction. I am disappointed with the member for Spence,

because the manner in which he introduced the measure yesterday and today reminds me of the story of the three little pigs. We have to deal with political reality. I know that some members opposite would like to abolish the upper house, but the reality is that we have an upper house, and to say that this measure will pass and be supported by the upper house when it has been rejected three times is wishful thinking. We must deal with that.

Mr Atkinson: Get back to the three little pigs.

Mr SCALZI: I am coming to that. The member for Spence would like to know the story of the three little pigs. He is like the little pig that is grasping at straws. In reality you cannot build a house of bricks unless you have the materials to do so. If you are to introduce bills into this place without a hope of a proper review and without going to the other place, as we have to deal with a bicameral system, it is a political stunt. I am disappointed with the member for Spence, although I am with him on the capping, as I was on the Social Development Committee. We must deal with that because at best the member for Spence will get legislation that is built on a house of sticks. But that will not solve any problems whatsoever.

We must deal with the gambling problems in our society, but we have to deal with it in a constructive and responsible way. We have to ensure that we have an education process in place, that the needy are cared for and that the 2 per cent or 3 per cent of people with problems are addressed.

Let us give credit where it is due. Some groups in our industry have contributed in that area. We must have other gambling codes contribute to that area as well because, if we are to have a knee-jerk reaction and pass legislation without dealing with it properly, simply to make us feel good in the last week of parliament, only for it to be blocked in another place, it is irresponsible.

If the member for Spence was serious about having constructive legislation built from bricks, he would have consulted all his party and the Premier and made sure that we came up with legislation which would be passed in another place and which would be dealt with properly. I support the principles and support the member for Gordon's bill, camouflaged as the member for Spence's bill. I hope he has paid his dues with regard to copyright. Let us deal with this matter properly.

Mr WILLIAMS (MacKillop): Today the word 'hypocrisy' has been thrown around this Chamber very liberally—and appropriately. I add to that word the words 'sophistry' and 'mendacity' as they have characterised this debate here this morning. There have only been a couple of speakers here this morning who have addressed the nub of the issue, the bill before us. Most on both sides of the House have been playing political stunts.

The thing that really disappoints me is that, coming here this morning, I was listening to the radio and I heard a series of members speaking on ABC radio to Philip Satchell and trying to justify the shenanigans and the stunts that went on here yesterday. It was unbelievable what the member for Gordon did yesterday in the space of about an hour. He put a motion to the House that we do not even debate one matter that was brought to the House by a minister. He chopped it off at the first reading because he said it was a waste of time; it was not going to go anywhere; and it would not be passed by the parliament.

Just prior to that, the member for Gordon supported the opposition stunt to bring on this particular matter, knowing full well—and it is in yesterday's *Hansard* for everyone to read—that this bill would not get through. It is in the *Hansard*. The member for Gordon grieved on this yesterday and said that he knows it will not get through. The member for Elder said a few moments ago that this is a knee-jerk, hypocritical bill. That is exactly right. It is a knee-jerk, hypocritical bill; it is nothing more than a stunt.

The member for Spence would have us believe that there is a very good reason for bringing this bill on urgently: there is absolutely no reason at all. The Premier already indicated that the bill that he proposes to bring on will be backdated to 24 November.

Mr Koutsantonis: When?

Mr WILLIAMS: That has already been indicated. If the member for Peake is aware of what is going on politically around the state, he will know that, and he will not need me to tell him when. He would know what is going on. If he listened to anybody other than certain people on the other side of the House, he would understand some of the issues.

Yesterday we saw this House once again dragging itself into the disrepute that it enjoys in the wider community, and I believe it is doing the same thing again this morning. Suspending standing orders to bring on a bill which is not absolutely urgent and suspending standing orders so that we go right through all the sectors of a bill without members having the opportunity to do sufficient homework—to go back and consult with their electorates, to go back and look at the papers, etc., that have been written (and there have been plenty written on this subject)—is a travesty of justice. I am a country member and I have not had the opportunity, since notice of this motion was given, to go back to my office and consult my files and examine the papers, etc., that I have on this matter.

The normal standards of this House are that, when notice is given of a motion or bill to come before the House, it is introduced and then it is laid on the table for a period. There is very good reason for that happening, and that is that members who represent country electorates—members who do not have their office just down the road—have the opportunity to go and consult with their electorate and examine their files and the material they hold in their office. That is why I believe that this whole matter has been a travesty of justice: it has been a travesty of the performance and the process of this House.

I have said enough on that particular matter and I will move on to the bill, which is the matter at hand. A couple of members have actually addressed the bill and the matter we are considering here. We have been through this before and there is an expectation among all those involved in bringing it into this place that it will not get through. Why will it not get through? As the member for Ross Smith correctly points out, it is a nonsense. It does absolutely nothing to cure, to help, to overcome the problems which we all recognise are caused by problem gambling. As much as anybody in this House, I would like to be able to help those people who find themselves in trouble with gambling, and I would like to be able to change this particular law in a way that would allow us to do something about this matter successfully.

Mr Koutsantonis: So you are voting against it?

Mr WILLIAMS: I am voting against the cap—

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for Peake!

Mr WILLIAMS: —because it is a piece of simple sophistry, a sop to a few consciences so that those in question can think that they have done something when, in reality, they

have done absolutely nothing. If you read the Productivity Commission's report and if you read the reports of this parliament's Social Development Committee, you will understand some things about the gambling industry and start to understand how we can overcome the problems we have—and there are ways that we can overcome these problems.

It is a fact that, the more machines that are in a venue, the greater the revenue derived from each machine. Nobody has talked about capping the numbers of machines in each venue, which is one of the things that will help. Nobody has talked about fairness and equity right across the board for those who happen to become licensees—clubs, etc.—in the future. Nobody has talked about the lack of equity that a cap would bring to those people.

The member for Ross Smith and the member for Hart correctly talk about the effect on the state's budget, and that is something which all those who wish to sop their own consciences and support this measure completely ignore: they completely ignore it at the peril of this state. I will complete my remarks there. I have had opportunities previously to address this matter. I indicate that, although I sincerely want to be involved in doing something about problem gambling in this state, I will not be supporting this measure.

Ms CICCARELLO (Norwood): I had not intended to make a contribution to this debate because my comments with regard to poker machines are well documented in the debates that we have had previously. However, the member for MacKillop says that the term 'hypocrisy' has been used very liberally this morning: I draw attention to the fact that I think many Liberals have been hypocritical. Not more than a week or two ago we were discussing the proprietary racing bill (or TeleTrak racing), and it seemed to me that everyone from the other side was falling over themselves to support that bill, which I see as nothing more than internet gambling—cyberspace gambling. I think that is much more insidious than the matter we are considering here: people can be sitting in their homes and betting, but nobody was objecting to that then.

The arguments then were that this would be good for the state, good for the region, good for the economy, because it would be creating hundreds and thousands of jobs. We were not then looking at the problems that this new form of gambling was going to introduce to the community and what checks and balances would be put in place with the introduction of that form of gambling.

I myself do not like gambling—I have never been to the races and I have never bet on the poker machines—but I do not think that introducing a cap or freezing numbers will make the slightest bit of difference to our community because, as I have said previously, the horse has bolted. We should be putting more funds into addressing the issues involving those people who have a problem with gambling: that is where the problem is, and it is a very small section of our community. But to say that we are putting on a cap and we are going to be improving the situation, I think, is a lot of nonsense.

Mr LEWIS (Hammond): I move:

That the debate be adjourned.

The SPEAKER: Is that motion seconded? The motion is not seconded and therefore lapses. Does the member for Hammond wish to speak?

Mr LEWIS: I moved that motion because I am having amendments drafted to the measure that has been introduced by the member for Spence which are relevant to the concerns which other members have expressed about the need for the cap to be introduced. Still further, members have expressed how the cap will be ineffectual in addressing the problems. There are still further concerns that I have about introducing a cap which immediately creates great wealth for those people who own each individual poker machine licence, since, once the cap is in place, the licence will be treated the same in the marketplace as taxi plates or fishing licences. There is an enormous amount of wealth created immediately. Those people who own a poker machine licence can put it on the market and sell it for whatever price is believed to be a fair thing.

If each poker machine generates a profit of $50 000 a year, notwithstanding the fact that there are maintenance costs which have to be met in the context of the operation of that machine now, that $50 000 is interest on a notional amount of capital invested in obtaining the profit. So if there is some risk involved—a future government, for instance, may choose to completely ban it: that would be the level of risk—people would therefore want more than bank interest rates on the money that they have invested in that licence. Instead of 6.75 per cent or 7 per cent, they would want 3 percentage points or thereabouts over and above that as a premium—10 per cent. If the income stream is $50 000, then the amount that can be paid for the poker machine licence, if one expects 10 per cent on one's money, is $500 000.

Some people, some business enterprises and some owners of licensed premises have several hundred machines, each worth $500 000. I am not talking about the value of the hardware and I am not talking about the value of the space occupied on the floor of the licensed premises: I am talking about the value of the licence when it is put on the open market to be sold. It is like a water licence, a taxi plate licence or a fishing licence. Indeed, the capitalised value, at $500 000 each, immediately gives a windfall asset gain to all the businesses that own those licences now involving a huge amount of money. So it is silly for us to introduce a cap without having first contemplated that there needs to be limited tenure on the life of those licences. They ought not to reside with the commercial interests that own them outright. They ought to be held only for a period, and any rational economist would tell you that you would get it back in six years, but I am quite happy to say eight.

I am having amendments to the legislation drafted that will enable us to go through the process by which after introducing a cap the licences will then expire. The first expiry date ought to be about two years from the time the cap commences, and in the intervening period we should put a number to every machine licence that is issued—say, one to 10 000 if that is how many machines there are—and then have a lottery. That lottery will say that in the first tranche we will withdraw one eighth of the 10 000—which means 1 250 licences—and they will expire at the end of the two years. The government of the day will decide whether it wishes to reissue the 1 250 licences or reduce it to 1 000—or maybe increase it if the government is game to do that.

In that way, the value of the licence does not reside with the private corporation or individual who currently owns them but still resides with all the citizens, through the mechanism of the tenure on it. There are some other benefits in having such a restriction on the length of the life of the licence, and they are that, if you wished to buy a licence

under a cap situation, you would have to find that $500 000-plus, because I know some machines generate more than $50 000 profit a year, well over $1 000 a week. Therefore, their value is much higher to the people who own them at present or anybody who has a good set of premises in which to install them. This mechanism means that, if you wanted to buy that, you would have to pay tax on the income.

You would have to generate the tax on the income before you could use it as a capital investment. That is what now happens with taxi plates and fishing licences. Before you can save up the money to buy a fishing licence, you have to pay tax on it, as you earn the money and accumulate it as capital. If you do not have it in hand when you buy the fishing licence, then you go to the bank and borrow it against that licence and whatever other collateral you offer as security. You still have to pay tax on that money; it is a capital investment. I am saying that, if it is tenured for eight years instead of paying tax to Canberra, you will be paying to South Australia so that the turnover in cash remains here, and the member for Hart—the aspirant Treasurer in this state—would well understand what I am talking about. The benefits reside and remain within South Australia as far as the community interest is concerned and are not transferred to Canberra.

Moreover, having established that the licences are tenured, when the time comes for their reissue, it enables the government of the day to determine how many to reissue of the number that have come up for renewal. If 1 250 expire that does not mean that you have to offer 1 250. You offer what you think as a government ought to be made available for the ensuing eight years of that tranche; it might be 1 000. Then all comers are entitled to bid, whether by private tender or auction, to buy those 1 000 licences, and the money would go to the state Treasury.

That is more in keeping with the kind of revenue that the member for Ross Smith said we needed to look after the misery that is visited upon those who are afflicted by it, not just those who are themselves addicts but the people who suffer in consequence who are dependent upon those who have become addicts. That is what the money is really needed for—not just the rehabilitation but to deal with the real problems that are created.

There is only 10 minutes in private members' time in which to give a speech on a second reading debate, and that is unfortunate. We choose to debate legislation in private members' time that is probably a hell of a lot more important to this state than some of the drivel the government comes up with. We get 20 minutes, double the amount of time, to talk on its stuff. To my mind, that is very unfortunate, and I see time slips away from me. However, I want to see the debate continue if it is to be done seriously and sensibly, rather than simply cut the head off now. The means by which the concerns of all members I have had heard speak to date can be addressed through the mechanism of tenured licensing and renewal on a rollover basis of about eight years; it could be less, it could be more.

I want to put that before the House and test it. I cannot do it today. Parliamentary Counsel cannot have those amendments drafted in time. We have only 15 minutes left. In my judgment, if members then insist upon taking a vote today they are ignoring doing something that would be responsible and in the best interests of the South Australian community on this very vexed question. Whether or not you wanted it in the first place does not matter and whether you want them tomorrow does not matter. We have a problem to deal with, and we undertook that responsibility when we put up our hand before the last election and said, 'We will be candidates,' and when we took the oath of office on arriving here after the last election to represent people and their interests. We should discharge that responsibility now.

Time expired.

Mr WRIGHT (Lee): I will not take up much of the time of the House. I have some sympathies for what the member for Hammond is saying. If he has some amendments that he wants to bring before this chamber, it seems somewhat strange and a bit of a pity that he is not able to do so. Nonetheless, that appears to be the will of the House.

Poker machines have always attracted a very emotive debate, and this debate has been no different. The member for Bright does this debate no justice—indeed, quite the opposite. He denigrated this debate with the language that he used. Obviously, he has a very polarised view about poker machines—and he is entitled to that view.

Members on either side of the House have their own specific philosophical beliefs about poker machines, whether or not they should have been introduced, or whether or not there should be a cap. That will always be the case. There is little doubt that the Premier has used this purely for political reasons. He has done that time and again during this debate, and there can be no doubt whatsoever about that. The member for Hart quite correctly and very clearly has spelt out chapter and verse over a period, not just in the past two weeks, why and how the Premier has used this for purely political reasons. There is no doubt about that either inside or outside the chamber—no doubt whatsoever.

I might also say that I took particular note of the more recent announcements of the AHA about the Premier showing some leadership. He has shown no leadership throughout this debate—none whatsoever. He has now reinvented his language because he is in a climate where he is looking at the opportunity to take this parliament to the people, and that is what his announcement some 10 days ago was all about. However, I will take note of what the AHA has recommended and, if it considers that a cap is the way to go, then perhaps that is the case. As I am being told by everyone that we need to finish the debate, obviously I cannot conclude my remarks.

Mr ATKINSON (Spence): The important thing is that I do not care which party or which piece of legislation brings in the cap. The important thing is that we have a cap. I do not think a cap is the last word in restraining poker machines; it is only a very minor aspect of the debate. Nevertheless, it is a meritorious proposition, and I urge the House to support it.

The House divided on the second reading:

AYES (28)

Atkinson, M. J. (teller)	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.	Gunn, G. M.
Hanna, K.	Hurley, A. K.
Kotz, D. C.	Koutsantonis, T.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
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.	Wright, M. J.

NOES (16)

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

PAIR(S)

White, P. L.	Wotton, D. C.

Majority of 12 for the Ayes.

Second reading thus carried.

In committee.

Clause 1.

Progress reported; committee to sit again.

[Sitting suspended from 12.57 to 2 p.m.]

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

PROSTITUTION

A petition signed by 40 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution related advertising, was presented by the Hon. D.C. Brown.

Petition received.

ADELAIDE AQUATIC CENTRE

A petition signed by 4 417 residents of South Australia, requesting that the House urge the government in association with the Adelaide City Council to upgrade the Adelaide Aquatic Centre, was presented by the Hon. M.H. Armitage.

Petition received.

TEA TREE GULLY POLICE

A petition signed by 56 residents of South Australia, requesting that the House urge the government to establish a police patrol base to service the Tea Tree Gully area, was presented by Ms Rankine.

Petition received.

ENVIRONMENT AND HERITAGE DEPARTMENT

In reply to **Mr HILL** (24 October).

The Hon. I.F. EVANS: I have been advised as follows:

Increased expenditure on printing and publishing can be attributed to:

- The restructure of the Department for Environment, Heritage and Aboriginal Affairs to the Department for Environment and Heritage (DEH) in February 2000
- A restructure of the administrative arrangements of the General Reserves Trust (GRT) and the Department for Environment and Heritage, and
- increases in printing and publishing costs across all of the divisions of DEH.

The 1998-99 and 1999-2000 budget papers both report expected printing and publishing costs for DEH of $1 million. The actual expenditure of $0.8 million in 1998-99 and the $1.2 million spent in 1999-2000 give a result consistent with the budgeted figures when averaged over the two financial years.

Increases in printing expenditure can also be attributed to increases in heritage technical publications, demand for Desert Parks passes and section 7 statements, and 'South-East Regional Biodiversity Plan' and 'Ark on Eyre' publications under the Natural Heritage Trust Program.

The Department expects this spending pattern to continue.

ELECTRICITY, SUPPLEMENTARY AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table the supplementary report of the Auditor-General on the electricity businesses disposal process in South Australia, arrangements for the disposal of ETSA Utilities and ETSA Power and some audit observations.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

Public Employment, Office of the Commissioner for—South Australian Public Sector Workforce Information at June 2000—Addendum

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

Controlled Substances Advisory Council—Report, 1998-99

Controlled Substances Advisory Council—Report, 1999-2000

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

Children's Services—Report, 1999-2000

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

South Australian Commissioner for Equal Opportunity—Report, 1999-2000.

By the Minister for Minerals and Energy (Hon. W.A. Matthew)—

Technical Regulator Gas—Report, 1999-2000

WATER RESOURCES ACT

The Hon. M.K. BRINDAL (Minister for Water Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.K. BRINDAL: Today I wish to announce that, in the autumn session in the new year, I propose to introduce a bill to amend the Water Resources Act 1997. The bill will contain a number of amendments, but there will be two key issues. First, there will be an amendment to enable the Minister for Water Resources to reserve water for strategic water resource purposes.

The second issue is most complex. Currently, the act does not provide any mechanism for effectively dealing with significant land use change where it impacts upon the sustainability of the water resources. This is causing concern in the South-East, particularly in view of the current growth in the blue gum forestry. Land use can significantly influence ground water recharge and the catchment yield of surface water. Where a prescribed water resource is fully allocated, the water resource is sensitive to reduction in yield caused by significant land use change. Any reduction in the volumes of water available for use would require a consequent cut in allocations to preserve the sustainability of the resource.

Parliament discussed this issue in the last session during debate on the Water Resources (Water Allocations) Amendment Bill. A proposed amendment to deal with this issue was moved by the Hon. Mike Elliott MLC in another place. The amendment was deficient and was defeated. The government, in good faith, gave an undertaking to introduce amendments to the Water Resources Act 1997 in the current session to effectively deal with this matter.

Since July, extensive discussions have been held with relevant parties regarding an appropriate and effective way of dealing with this issue. While there has been significant progress, the issue has proved to be more complex than expected.

There are currently two main schools of thought. One can be described as a traditionalist view, while the other contemporary view attempts to operate within principles that are consistent with the ideals of the COAG water reform principles. Traditionalists disapprove of the current principles espoused by the act and the COAG water reform principles. They do not believe that water rights should be separated from land. They believe that any loss of water resource caused by land use change, such as forestry, should be borne by irrigators.

The contemporary view would require an amendment ensuring that plantations in sensitive areas of the South-East, to be known as recharge water management areas, would be accountable for their impact on the unconfined aquifer. Such an amendment would be consistent with recommendations 32 and 33 of the report by the Select Committee on Water Allocations in the South-East, which called for management of the impacts of land use change on ground water resources, particularly by commercial forestry.

It is acknowledged that commercial plantation forestry, in some locations, can provide significant environmental benefits, particularly where there are salinity problems. Whatever happens, it is not intended that any proposed amendment should prevent land managers from continuing to use revegetation strategies in areas threatened by rising ground water or salinisation.

In the Lower South-East, forestry of around 100 000 hectares has been accommodated in ground water sustainability assessments. In the past, average annual increases in plantings of up to 3 per cent have not resulted in a reduction in water allocations. However, the current upsurge in forestry activity has a potential to increase forestry plantation by an unprecedented 35 per cent over the next two years.

The impact of planting 35 000 hectares of new forestry in a fully allocated water management region is that 7 000 hectares of perennial pasture irrigation, or up to 24 000 hectares of irrigated vines, would have to be forfeited to maintain the sustainability of the resource.

Merit is recognised in both the traditional and contemporary views but, essentially, they are diametrically opposed. Therefore, before introducing the amendment bill to parliament, I intend to consult further on this issue.

Mr Hill interjecting:

The Hon. M.K. BRINDAL: The shadow minister does not want to be consulted! Nevertheless, because of the potential implications of the proposed new forestry development and the possibility for amendments to the act in autumn, I today announce that all existing (and proposed) forestry which had planning approval granted under the Development Act 1993 as of midnight last night has been included in the South-East sustainable yield calculations and will be authorised by any amendment requiring a licensed water yield affecting allocation without cost, should such an amendment to the act proceed. Any future forestry development not taken into account and which has not received planning approval under the Development Act 1993 would be required to secure a licensed water yield affecting allocation under any proposed amendment to the act. Any proposed amendment, once enacted, will draw the line as of today.

Existing forestry and that already approved by the planning authority before midnight last night will automatically be granted the appropriate allocation if that is required by any amendment. Should the amendment require forestry to be authorised with a water yield affecting allocation, all forestry approved since midnight would need an appropriate allocation by trading and transfer. I table a listing of management zones that may be prescribed as recharge water management areas, thus requiring a licensed water yield affecting allocation. It is believed that this will focus a useful basis for discussion.

The second amendment to the act which we are contemplating, the reservation of water amendment, will enable the Minister for Water Resources to reserve unallocated water in the South-East where its proportion has fallen to 20 per cent or less of the adjusted permissible annual volume, otherwise known as the PAV. The aim is to reserve a buffer in South-East management zones that are not yet fully allocated. It is considered prudent to reserve the remaining unallocated water to protect existing users from unnecessary reduction in their allocations.

Currently two management adjustments issues could impact on this reserve. They are the conversion of the area based allocation system to a volumetric system, which will take place over the next five years. The other is possible adjustments that may occur in relation to the forestry land use amendment already outlined. Such a proposed amendment to the Water Resources Act 1997 would allow the minister to hold this water in reserve. It will not be available for further allocation under the water allocation plan. However, there will be some flexibility to allocate this reserve water for bona fide purposes, where denying access to the water might jeopardise the government's economic objectives for regional South Australia.

It is therefore proposed to lease any remaining water held in reserve through a negotiated arrangement, reflecting the true market value of water, with the proceeds going into the consolidated account. It will mean that most of the available water resources from the unconfined aquifer in the South-East will have been allocated or held in reserve by the minister. As such it will stimulate a water market. The criteria to lease the water will be advised through a Governor's notice in the *Gazette*. These suggested amendments to the Act that I have outlined are very important if we are to ensure security for existing water users and if we are to maintain ongoing confidence in water resource management so as to enable further economic development. I am sure they will engender spirited discussion.

PUBLISHING COMMITTEE

Mr VENNING (Schubert): I bring up the first report of the committee and move:

That the report be received and adopted.

Motion carried.

QUESTION TIME

SULLIVAN, Mr S.

Mr CONLON (Elder): Will the Minister for Government Enterprises explain why the board of SA Water held several discussions with the Hon. Terry Cameron—

Members interjecting:

The SPEAKER: Order!

Mr CONLON: —in relation to allegations regarding the former CEO of SA Water, Mr Sean Sullivan, and why Crown Law was also later involved in advising Mr Cameron of the outcome of an investigation into those allegations? According to information received by the opposition, the SA Water board's deputy chair, Ms Sandra McPhee, held several conversations with Mr Cameron regarding allegations surrounding Mr Sullivan that became subject to a Crown Law investigation. We have been informed that Ms McPhee and Crown Law officers later met with Mr Cameron to advise him of the outcome of the investigation. What is it all about?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): It is my understanding that the member for Elder has identified publicly, and certainly the member for Hart has been identifying publicly since at least the estimates last year, that there was a series of allegations being made about Mr Sean Sullivan. In my view, it is completely appropriate for the board of SA Water to investigate those allegations. If, in fact, they did not investigate those allegations, it is my view they would have been derelict in their duty. In fact, frankly, I would have expected that there would have been an outcry from the opposition if there had been allegations made and the board had not investigated it.

CRIME PREVENTION

Mr HAMILTON-SMITH (Waite): Can the Premier advise the House of the government's latest initiatives to fight crime in South Australia?

The Hon. J.W. OLSEN (Premier): With the Attorney-General and the commissioner we today launched a new program requiring people to surrender illegal weapons within the community. The new laws will come into effect on 17 December this year and the public has a period of moratorium until 18 February in which to hand in offensive or illegal weapons or, post that time, face what are very stiff penalties in terms of level of fine and possible imprisonment.

Everyone in the community has a right to feel safe in their homes and in the streets. The government has made a number of inroads into community safety. The new weapons laws announced today are ground-breaking in that for the first time in this state people will have to surrender their illegal weapons or face these tough new laws. The clear message is that these weapons will not be tolerated in the community. It is untenable that people should feel threatened because there is a certain element within the community and a number of people who will carry these weapons. They carry them for one purpose and one purpose only: to instil fear in other people or harm other people within the community.

In getting tough in relation to crime, we will not back down in our effort to ensure that every South Australian is able to feel safe. In response to the question, I indicate that there are a number of measures that we as a government have put in place. It is why we introduced truth in sentencing. It is why we put extra police in the force. It is why we are tough on drugs with some of the toughest drug laws in this country.

We will leave no stone unturned in tackling crime. I might add that part of that process includes an audit of every single crime prevention program within government. We want to do an audit, look at what is effective, and enhance those that need enhancing if they are ineffective in meeting their objective within the community. Ministers will be asked to reassess their programs. We want to ensure that it is the fundamental right of all people to feel safe within their community.

A range of prohibited weapons is now included on this list. However, exemptions will be given for appropriate use; for example, the Scottish Society will be given an exemption for its traditional dirk. Provided that the people in question are members of a law abiding appropriate association—

An honourable member interjecting:

The Hon. J.W. OLSEN: I don't think they qualify. As it relates to the Scottish Society and other appropriate organisations, they will be allowed to maintain, by exemption, their traditional dress garb. Their heritage will not be compromised by this. However, ballistic knives, catapults, shanghais, slingshots, tear-gas, mace, fighting knives, hand or foot claws, knife belts that conceal or disguise, knuckle-dusters, morning stars, pistol crossbows, star knives, throwing knives and undetectable knives will all now be outlawed.

We want to respond in the community and give the police additional capacity to provide a safe community for us to live in. Starting this Sunday, there will be an advertising campaign to communicate to the public that the new laws are operative as of 17 December and that they have two months in which to hand in their weapons or obtain an exemption. Post that two month moratorium, they will then be subject to the full weight of the law.

The police have been seeking some support in this regard. Over a considerable period of time we have worked with various appropriate interest groups—and I have mentioned some of those—to ensure that we do not create problems by the introduction of these laws. Our sole objective is a safer community and to remove harm on law abiding citizens going about their ordinary business within our community. It is a significant step and certainly a step in the right direction.

CAMBRIDGE, Mr J.

Mr FOLEY (Hart): I am just amazed that tear-gas was not already illegal! Does the Premier agree with the comments of Mr John Cambridge who, in his role as Chief Executive Officer of the Department of Industry and Trade, said that he believes too many South Australians companies are living on 'the industrial dole', and does he believe that Mr Cambridge enjoys the confidence of the South Australian business community as a result of these public attacks on local business leaders and the state Treasury? In a media report on 18 November, Mr John Cambridge said that too many companies treated industry assistance like 'the industrial dole'. He said:

> I do not like these companies that come back two and three times to feed at the trough and then say they are the doyens of the market.

Mr Cambridge also attacked Treasury colleagues, describing them as 'troglodytes and outstandingly stupid'.

The Hon. J.W. OLSEN (Premier): My statement is simply that those comments were inappropriate, inexplicable and unacceptable, and I have had a chat to him.

BEACH SAFETY

Mr CONDOUS (Colton): Will the Minister for Emergency Services inform the House of the procedures that have been put in place to ensure the safety of beachgoers this summer?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Colton for his question and acknowledge his keen interest in the beaches in his electorate and also in surf lifesaving. Surf Lifesaving SA is—

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

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

The Hon. R.L. BROKENSHIRE: Surf Lifesaving SA is—

Mr Atkinson interjecting:

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

The Hon. R.L. BROKENSHIRE: Surf Lifesaving SA is very proud of its record as a very professional and committed group of volunteers (together with very committed and dedicated, albeit small in number, paid officers) looking after members of the community on our beaches in South Australia year in and year out. Significant initiatives have been put in place this year to ensure that South Australian beaches, by virtue of the surf lifesavers and this government, are safe for our community. When we talk about safety on our beaches, we refer to a range of issues: first of all, obviously, the fact that we need to educate our community on where it is safe to swim, generally between the red and yellow flags that the surf lifesavers put up in an area of the beach that is patrolled and is well-known to surf lifesavers. Secondly, we must consider issues involving equipment and the best way to keep the community safe.

Over the last 18 months, my officers and I have had detailed discussions with surf lifesaving officers. Prior to the establishment of the new emergency services fund, the total commitment for 1998-99 to surf lifesaving from the government of South Australia to help keep South Australians safe on our beaches amounted to $145 000. I am pleased to report to the House in answer to the question that this year we see a budget to Surf Lifesaving SA of $850 000, representing about $700 000 in additional commitment by the government on behalf of the South Australian community generally to support surf lifesaving. This will provide—over and above a base funding of $330 000 for the rescue operations and patrol work of surf lifesaving—$120 000 for a new jet rescue boat, which will be the second jet rescue boat we have provided. We will therefore have three jet rescue boats strategically located along our coastline: one at the new 24-hour boat ramp facility at West Beach, one in the southern areas, and another one at Goolwa looking after the areas from Goolwa to Cape Jervis.

As well as that, the government has made a commitment of several hundred thousand dollars to surf lifesaving to assist it in a strategic development of capital works, so that we can upgrade some of the facilities around South Australia. Surf Lifesaving SA is also looking to grow surf lifesaving clubs. Bearing in mind that there are thousands of very good volunteers already, I point out that work has been done at Port Augusta and further support is being provided at Whyalla and Port Lincoln. Last weekend I noticed that the opposition leader—and I refer here to a grab—said that the South Australian community want to know that their family and kids are protected. Of course, we all want to know that. We want to ensure that the people using our beaches are protected, educated in this respect and can enjoy those beaches. That is what this money is designed to achieve.

The opposition leader did say that he thought we should conduct aerial patrols. I have discussed that matter with surf lifesaving members, who indicated to me that the best way to keep the South Australian community safe was to be able to provide the funding and equipment that I have just highlighted to the House. There were concerns about the fact that, if you had 100 hours of aerial patrol a year (which had happened previously), but gross under funding to surf lifesaving, you were not providing a lot of rescue equipment, leaving the community at considerable risk along the vast coastline. Of course, if the plane were at Goolwa and a shark came in at Glenelg, by the time the plane returned, if they happened to spot the shark but the surf lifesavers did not have the necessary equipment, they could not do their job.

To put things into perspective, when it comes to public safety, we are very committed. In the last 20 years—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. R.L. BROKENSHIRE: I know that the Leader of the Opposition does not like the fact that we have got behind surf lifesaving and funded it properly; I know that he will never recognise that, but we will. In the past 20 years there have been eight shark attacks in South Australia. Every year in Australia two to three people are killed by bee stings. In fact, crocodiles in the Northern Territory, Queensland and the top of Western Australia have killed 15 people in a 30 year period.

There is always a risk when you are at the beach that there could be a shark attack—and that is a tragedy. We want to do the best we can to prevent that, so we will do it comprehensively and carefully and in a calculated manner in conjunction and consultation with those who know best, that is, Surf Lifesaving SA. There is also a duty of care on the parents and those who use the beaches to be careful when they use our beaches. To put it into perspective: our beautiful beaches and coastline are some of the safest beaches in the world at which to swim. We must bear in mind that, if you are in Australia, you have to consider those safety issues; just the same as if you are visiting Yellowstone National Park in the US, you have to consider bears or, if you go to a national park in South Africa, you must consider wildlife. The bottom line is that we are doing our best; we encourage the community to work with Surf Lifesaving SA and to enjoy our beautiful beaches throughout the whole of South Australia.

INDUSTRY ASSISTANCE

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. What are the names of the local South Australian companies which the Chief Executive Officer of the Department of Industry and Trade, John Cambridge, claims to be on the industrial dole? Did any of these companies receive industry assistance packages against the advice of Mr Cambridge or his departmental officers?

Members interjecting:

The SPEAKER: Order! The Premier does not need assistance, I am sure.

The Hon. J.W. OLSEN (Premier): I will not get into goat farming in South Africa or underwriting aircraft in

Florida's hurricane free zone. I will not draw comparisons with some investments of the past, but I will move on. The investment attraction program put forward by the government, I would put to this House, has delivered for this state a diversified economy, a rebuilt economy and, in doing so, the beneficiaries are South Australians who have record levels of employment in our state. That compares to 1993 when the unemployment rate was 12.3 per cent: it is now 7.1 per cent.

If the deputy leader wants justification for diversification of our economy, there can be no better justification for diversification than investment in new businesses. Another perception that needs to be corrected in the broader community is this—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order!

The Hon. J.W. OLSEN: Some 80 per cent support and investment attraction goes to existing South Australian businesses. It is a false perception that the majority of those investment attraction funds are going to new or interstate or overseas firms. That is simply not the fact of the matter. I am not quite sure whether the list went to the IDC or the Economic and Finance Committee, but one of the committees of the parliament has had a full list of all those companies that have received—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I just caution the leader that this morning he was warned on two occasions, and cautioned on a couple of occasions, as well. They do carry over to this afternoon's session.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart under the same circumstances.

The Hon. J.W. OLSEN: I will make the comment that the member for Hart asked me a question a moment ago and I was very clear and concise in my response. I do not think I need to add anything further than that because I think it says it all. Having put down that point, I go onto say that either the IDC or the Economic and Finance Committee of the parliament has had a full list of all the companies, I think in the last five or seven years, that have received support and those that have received support more than once. There have been some of those occasions. The criteria principally is: will new and more jobs be created? Is there an export focus in relation to this industry? Has it the capacity to sustain jobs in the long term? Will it help with the restructuring of the economy of South Australia?

An honourable member interjecting:

The Hon. J.W. OLSEN: I have already answered the question in relation to his public comments. I do not know whether the deputy leader was actually switched off when I answered the first question, but I can repeat the answer if she wants. The fact is that—

Members interjecting:

The Hon. J.W. OLSEN: There is one thing, despite the questioning of the opposition, that it cannot get over, and that is that we have more people in jobs, a lower level of unemployment, and more investment in this state with economic firms forecasting private sector new capital investment, indicating that growth will continue for the next year or two years in South Australia.

We have, under the *Yellow Pages* small business index, a higher level of confidence in our small and medium businesses than any other state in Australia. We have the Trends SA—that is, the BankSA—report released only yesterday looking positively to the future with the prospects of continuing and more employment in our economy.

So, our policies have delivered: they have delivered in diversification, strength of the economy and the employment of people. I would have thought that is one thing the opposition might have in common with us: jobs for South Australians.

WINE INDUSTRY

Mr VENNING (Schubert): Can the Premier outline the government's activities to ensure that the wine industry continues its strong growth, particularly in important regional wine growing areas such as the Barossa Valley and the Riverland?

The Hon. J.W. OLSEN (Premier): The wine industry, from Port Lincoln to the Barossa Valley, the Coonawarra, the Clare Valley and the—

Members interjecting:

The Hon. J.W. OLSEN: Well, right across the state to the—

Members interjecting:

The Hon. J.W. OLSEN: The Adelaide Hills? I should not forget them. The point is that the wine industry has been a great South Australian success story. Supporting the wine industry from the grape to the glass is something on which we have had a policy direction for some time. Working cooperatively with the wine industry in this state, we have embarked upon a wine tourism approach to build on the boutique wineries throughout our regional and country areas to build their strength, cellar door sales, opportunity for growth and employment of people in those areas.

Just take the Barossa Valley, for example. What we have seen in recent times is very significant investment and, as a result of that, a very significant increase in jobs. The member for Light would well know that we have negotiated for some time and been successful in attracting Amcor with a major—I think $130 million—development on the outskirts of Gawler. Some 300 jobs or thereabouts will be created with that investment.

Not only does that underpin an input cost to the wine industry, that is, wine bottles, and bring a competitor into the market place to ACI Glass, importantly it creates further jobs. You can then go to the labelling industry: Collotype, for example and their success in labelling, their growth in that market and the jobs that have been created in the city area.

So, our wine industry is not only achieving in country and regional areas, but it is also a job generator within the metropolitan area. You add to that another dimension. Look at Mildara Blass, with their first stage development in the Barossa: a $100 million development in the Barossa Valley for wine processing and manufacturing. That is a very significant development.

So, as I have mentioned, we have been working with the federation on a number of strategies to put in place. With the industry, we have been working on the Strategy 2025 document; that is, with the wine industry, looking at what are the infrastructure requirements to meet the growth of the wine industry, its expansion and its marketing potential, and to secure that. That Strategy 2025 is a long-term plan. We have over the last seven years worked on several plans with the wine industry to look at how government plays a proactive role to underpin its growth in the future.

The strategy looks at such things as the Barossa Valley floor, a premium grapegrowing district. The water supply for

the Barossa Valley floor has been impacted because of the draw down in the underground water aquifer. What have we done with Barossa Infrastructure Ltd? We have put in place the spare capacity and the trunk main from the river to the Warren Reservoir to store and be distributed to the growers on the Barossa floor.

Another example is the Christies sewage treatment plant, a private project, in which local growers have invested, I think, $7 million to take 25 per cent of the land-based discharge from Christies for further wine production. They are the sorts of initiatives—a structure of initiatives—that look at infrastructure to underpin this great success story in South Australia. I noticed a headline in the *Bunyip*, I think it was, the other day, where the leader supported the deputy on creating a wine zone for Gawler and districts. Johnny-come-lately stuff, this is—

An honourable member interjecting:

The Hon. J.W. OLSEN: Very much so. Members opposite want to create investment and jobs. It is a bit late; we have already done that: Amcor, Mildura Blass and BIL—just look at that expansion to underpin jobs. Members opposite want to focus on an enterprise zone. Do members recall these enterprise zones where we create opportunities in spots around the state? We take the view that the whole state is an enterprise zone. Regardless of whether it is mushroom farming at Murray Bridge, aquaculture on Eyre Peninsula or something in the South-East or the Riverland, we will assist with investment, growth, jobs and exports. It is a whole-of-state strategy, a whole-of-state outcome, and the bottom line is more South Australians in jobs.

CAMBRIDGE, Mr J.

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. What was the nature of the reprimand delivered by the Premier on Saturday 18 November to the industry and trade chief, John Cambridge, for his public abuse of Treasury officers, the Economic and Finance Committee, local companies and government policy on industry assistance, and did it have any greater currency than the reprimand delivered by the Premier to Mr Cambridge last year for failing to declare his directorship as required under the Public Sector Management Act with a private Australian-based company?

The Hon. J.W. OLSEN (Premier): I certainly do not intend to detail private discussions I have had with any individual. Suffice to say, there would have been no misunderstanding at the end of the conversation.

DRUGS

Mr SCALZI (Hartley): Will the Minister for Police, Correctional Services and Emergency Services advise the House of the success of the drug phone-in day held yesterday by the South Australian police force?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question and his concern. There is some very good news as a result of yesterday's phone-in, but there is also a tragic side and I will highlight that shortly. 'What's cooking in your street?', the clandestine drug laboratory phone-in initiative of BankSA Crime Stoppers, about which I talked yesterday, has been an outstanding success. I am delighted to report to the House that police have advised me that they have made one arrest since the phone-in commenced yesterday in connection with a portable clandestine drug laboratory in the suburbs.

In addition, 186 telephone calls were received within that 12-hour period, and that is an outstanding success. I would like to congratulate the police, BankSA Crime Stoppers and, in particular, the South Australian community, all of whom are aware of the seriousness of this illicit drug issue in South Australia. We are not isolated from the rest of Australia and the rest of the world. That phone-in confirms the fact that our government's being tough on drugs is the right way to go. That is what the community is calling for and that was proven, because yesterday they got tough.

Members interjecting:

The Hon. R.L. BROKENSHIRE: They did because, contrary to what the opposition will not see—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Here they go, soft and sappy on drugs. Here it is; we are seeing it in the House right now—soft and sappy on drugs. We will not go down that track as a government. The community of South Australia does not want that, police do not want that and the young people of South Australia do not want that. I want to highlight more of yesterday's phone-in results: 26 of the telephone calls related to clandestine drug laboratories and, as I said, one arrest has already been made. Some 61 calls related to cannabis hydroponic set-ups—61 on cannabis. We know how serious the issue of cannabis is, and the dangers. Some 24 calls related to selling amphetamines, 23 related to selling cannabis, and 11 related to selling heroin.

Members of the community are to be congratulated on the way in which they are cooperating with police. The government and the police cannot fix the illicit drug issues and cannot work on crime reduction alone: it has to be done in partnership with the community in South Australia. Members of the community delivered yesterday, and I congratulate them for that, but I call on the South Australian community to continue to support police, to continue to support the government's Tough on Drugs strategy and to make every day a BankSA Crime Stoppers hotline day if they see anyone peddling drugs in South Australia.

REPATRIATION GENERAL HOSPITAL

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Human Services. Why was the Returned Services League not consulted by the review of intensive care services that recommended no further investment in the intensive care unit at the Repatriation General Hospital and that the unit should be closed 'at an appropriate time'? An agreement signed on 10 March 1995 for the transfer of the Repatriation General Hospital from the commonwealth commits the state government to maintain the Repat. as an acute care teaching hospital. In 1998, veterans and the RSL were assured that the minister had given a firm commitment to consult with them on any change to the role of the hospital. The Secretary of the state RSL in South Australia, Mr John Spencer, has confirmed to the opposition that he was not consulted about the review, which talks about, of course, the intensive care unit being closed at an appropriate time.

The Hon. DEAN BROWN (Minister for Human Services): To start with, there has been no change in the intensive care unit at the Repatriation General Hospital. Therefore, the government and the department have not gone back on any undertaking whatsoever. The facts are that a

draft report prepared by some clinicians has not yet gone to the department, which is where it has to go. It then has to come to me, as the minister—

An honourable member interjecting:

The Hon. DEAN BROWN: I have given an assurance that, in fact, the intensive care unit at the Queen Elizabeth Hospital will continue with level 3 beds.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: I will give an assurance that the intensive care unit at the Repatriation General Hospital will continue because, in fact, Professor Brendon Kearney already has given that undertaking publicly. So, it is a bit late for the member to suddenly raise it now. That undertaking has been given, but the draft report has not yet gone to the department, nor has it come to me.

POKER MACHINES

Mr WILLIAMS (MacKillop): Will the Minister for Human Services outline to the House how community groups will benefit from taxes received from poker machines?

The Hon. DEAN BROWN (Minister for Human Services): I am delighted to announce that the next funding round of Community Benefit SA has just been announced. Some 127 different community projects will receive a total of $1.2 million. This is poker machine money that is collected through the super tax that we imposed on them back in 1996, and I am delighted to say that, as a result of that, something like $12.5 million—

Mr FOLEY: Sir, I rise on a point of order. Notwithstanding the merits of the question and the answer, there is a bill before the House dealing with poker machines, caps and revenue implications. Is the question, therefore, out of order?

The SPEAKER: I think that the House has to bear in mind whether it relates to the subject matter of the bill or whether are you talking in a broad sense. I do not uphold the point of order.

The Hon. DEAN BROWN: I assure members that, in fact, the Community Benefit Grants Scheme has nothing to do whatsoever with the bill currently before the parliament. In fact, since the super tax was imposed in 1996, $12.4 million has gone into community benefit projects throughout South Australia. A total of 1 270 projects have now been completed as a result of that. So, it has had a huge impact. Out of the 127 projects for this year (the projects go to those who are less fortunate in the community), 21 projects go to people from ethnic communities and 12 projects are for indigenous communities, with a total of $184 000. Eight organisations will receive grants (and these were the organisations that first raised the need for some sort of community benefit program, because they were losing money as a result of the introduction of poker machines) of $121 000 combined to help their fundraising efforts. In addition, 18 projects will go to organisations where there are people with disabilities, and $376 000 will go out to rural and remote communities.

To give the House some examples of the types of projects involved, a grant of $30 000 is to go to the Food Bank of South Australia to purchase 90 freezer pallets. The Food Bank has been a great initiative and, through the establishment of the Food Bank three or four months ago, initiated and heavily supported by the state government, it is now receiving further assistance. It is expected that within two to three years something like $6.5 million worth of food per year will be donated by commercial food companies into the Food Bank and distributed to worthy organisations in the community.

Another example is in the Elizabeth Grove area, where the school council will receive $10 000 to help relocate the opportunity shop and the establishment of a community room to help 200 disadvantaged families. In the Riverland area, a grant of $20 000 will help improve the nutrition level and the consistency of food being fed to Aboriginal children and to ensure in particular that they get breakfast before they go to school. Another example is the Epilepsy Association of South Australia, which will be able to buy equipment to increase revenue to provide services to 1 800 clients with epilepsy.

They are some of the examples of the 127 projects this year that are being supported through the Community Benefit SA Scheme. It is a great initiative. I urge members, where they see a need within their community, to ensure that an application is lodged, because a great deal of help and benefit is given to those who most need it in the community.

MURRAY BRIDGE HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Has there been a major financial problem at the Murray Bridge public hospital? Is the minister's department conducting an investigation, and what are the details?

The Hon. DEAN BROWN (Minister for Human Services): The answer is, 'No, there has not been.' There was an over expenditure on a capital project at the hospital. They installed new airconditioners in the hospital and then found that the electricity supply to the hospital was inadequate to cope with it. As a result, they had to install a new electricity supply and switchboard to the entire hospital. That is not surprising where significant new electrical equipment is installed.

I was at Murray Bridge only last Sunday with the member for Hammond and the broader Murray Bridge community. There were 250 people at the Murray Bridge hospital for the opening first of the helipad and, secondly, for the opening of the refurbished Dr Heddle Wing at the hospital. The Dr Heddle Wing has provided two new birthing suites and 19 beds in conjunction with the hospital. The helipad allows for retrievals from a helicopter where previously the helicopter had to land down near the river and people being retrieved had to be transported by ambulance from the hospital down to the river bank before being airlifted to Adelaide. This has certainly provided a substantial improvement. In a couple of areas there was over-expenditure on the projects, but there is no major problem in terms of the funding at the hospital.

PARTNERSHIPS 21

Mrs PENFOLD (Flinders): Can the Minister for Education and Children's Services inform the House of the number of Partnerships 21 schools and preschools now in South Australia?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Flinders for her question: I know her enthusiasm for Partnerships 21 in her schools in her electorate. Just a little over a year ago—in fact, on 19 November 1999—schools in South Australia were given the opportunity to join Partnerships 21. I am very pleased to say that no fewer than 329 schools and preschools in rural South Australia and 312 schools and preschools in the metropolitan area have joined Partnerships 21. That means

that some 70 per cent—I repeat, 70 per cent—of all preschools and schools in South Australia have volunteered to join Partnerships 21. What is more, I expect that by this time next year we will have 90 per cent of all schools in Partnerships 21. It is without doubt a phenomenal success story.

However, there is more to the success than just statistics. I bring to the attention of the House some reports in recent newspapers. What did the people of the Mid North say about Partnerships 21? I quote from the following report in the *Northern Argus*—and, again, the opposition took this media opportunity to bag Partnerships 21:

> All schools involved in Partnerships 21 praised the greater flexibility for staffing and allocating funds and the ability to address issues at the local level as well as increased community involvement with the school.

The Principal of the Booborowie school said:

> Partnerships 21 enabled the school to channel extra funding into student related activities.

The Snowtown Area School Principal said:

> The extra funding made available under Partnerships 21 has been used for additional staffing for specific programs. We are significantly better off.

The Gladstone High School Principal said:

> We can now make a more focused effort to relate everything to improving the learning opportunity for our students.

In the *Flinders News*, the Clare Primary School Principal says:

> We are stunned at the differences the changes have made already, particularly in the area of personnel management.

Further, the member for Schubert informed me recently that, through local management, the Nuriootpa Primary School has found ways of cutting its budget by $7 000, all of which it managed to keep.

An honourable member interjecting:

The Hon. M.R. BUCKBY: I am pleased that the member for Elizabeth has asked, 'How did they do that?' Let me tell her. The Nuriootpa Primary School has a unique building, to say the least, because it is octagonal in shape: it is all open classrooms and the airconditioning vents and channels hang from the ceiling. The Principal of the Nuriootpa Primary School asked for a switch to be installed to allow fresh air to come in from outside rather than air conditioned hot or cold air. He was told that this was not possible but, I am pleased to say, he went ahead and spoke to the engineers of the building. He found out that for $250 an additional switch could be put in that would allow fresh air to come in. The school had previously been paying $7 500 a year in airconditioning costs. That is an excellent outcome, it is innovative, and it represents a saving of around $7 000. The opposition just is not listening to our school communities, when some 70 per cent of schools are in Partnerships 21. In fact, members opposite do those schools a gross disservice. Why are some members opposite reluctant to recognise the overwhelming benefits of this scheme?

The Hon. M.K. Brindal interjecting:

The Hon. M.R. BUCKBY: They don't want to, as the member for Unley says. Perhaps they are little too close to their AEU mates and they are listening to the whingeing and whining that consistently comes out of Greenhill Road. We are used to them being negative about education in South Australia, because that is the only thing they know how to do. The government has a host of P21 runs on the board, and we will score more in the next 12 months. When the Opposition comes to the crease, the people of South Australia will not need a ticket for another day's play.

TOTALISATOR AGENCY BOARD

Mr CLARKE (Ross Smith): Did the Minister for Government Business Enterprises mislead the House, when during the committee stage of the TAB disposal bill on 28 November, in answer to a question concerning the distribution of the $4 million surplus in the TAB staff superannuation fund, he stated 'the trustees have just altered the deed such that I am told in the vicinity of $2 million of the surplus will be in benefits that go to the employees directly,' when no such amendment has been made by the trustees of the fund? Today I spoke to a trustee of the TAB staff superannuation fund who stated that no amendments have been made by the trustee as outlined by the minister to the House.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): As the member for Ross Smith has identified, that is what I was advised in the debate. I have learned this morning that there are some inaccuracies in my advice. I have asked for them to be identified, and I was hoping to be able to give a ministerial statement to that end today. That has not yet been provided, but I can assure the member that the staff who are providing me with what I hope in this instance will be the correct advice are beavering away at a rate of knots, and the minute I have the correct advice I will tender that to the House.

BRANCHED BROOMRAPE

Mr LEWIS (Hammond): My question is directed to the Deputy Premier. In how many additional locations on both sides of the River Murray has *orobanche ramosa*, otherwise known as the weed from hell—or branched broomrape—been discovered during the recent spring inspections of the Lower Murray and Mallee regions? What now is the increase in the length, east to west, and the width, north to south, of the area infested? Is the minister disturbed by the expansion in dimensions of the area of infestation?

The Hon. R.G. KERIN (Deputy Premier): I will get that information for the honourable member. I cannot provide the exact numbers or distances. However, over the past couple of years we have started really looking very hard for branched broomrape, and we put in the quarantine area through the trace-backs and trace-forwards that we have been able to do from the properties where it had been found. We have had people inspecting properties we knew were connected with those. That has led to a lot more broomrape being found than we initially anticipated. That is because of the fact that we are looking very hard. It is a weed that is very hard to identify in a lot of cases, because if no host plants are available in those paddocks, it does not germinate, so in those years you will not find it. It is obviously a major problem. It was identified as such a couple of years ago.

We have received assistance from the other states with the funding for a very comprehensive program to identify the size of the problem. Eradication will always remain our aim. However, because we are looking so hard we are finding more and more. A whole range of protocols are in place to try to restrict the spread. However, the honourable member is right: it has gone into a wider area than we would have hoped. It is the efforts of all those involved in the inspections

that have been able to identify that, and I will get a detailed answer for the honourable member's question.

EXCESSIVE NOISE

Mr De LAINE (Price): Will the Minister for Human Services consider introducing legislation to control excessive noise in internal venues such as hotels, clubs and other places of public entertainment? I have received complaints from constituents who are employed in the hospitality industry and who suffer headaches and temporary hearing problems because of excessive noise caused by extremely high volume levels of music at these venues.

The Hon. DEAN BROWN (Minister for Human Services): This is a subject that falls perhaps partly into the area of public environmental health but also into occupational safety. I know that in 1997, I think I am right in saying, a study was carried out under occupational health and safety which would provide some of the information that the honourable member is seeking. I will certainly look at the question that has been asked and raise the matter with my ministerial colleague to ensure that an adequate answer is given.

INTERNATIONAL TOURISM

The Hon. G.M. GUNN (Stuart): Will the Minister for Tourism provide the House with an update on the international tourism benefits to our state and, in particular, the importance of the backpacker trade to the tourist industry, particularly to the northern parts of the state which are frequented by backpacker groups?

The Hon. J. HALL (Minister for Tourism): I certainly thank the member for Stuart for his question because, as he well knows, international visitors, and backpackers in particular, are spending a lot of time in parts of his electorate. The House may be interested to know, for example, that for nearly five months of the year the township of William Creek was the third busiest airport in South Australia, and so many of them were international visitors. I am sure the House will be delighted to know that the release of the international figures for the year ending June 2000 has provided yet again another record number of visitors and visitor nights.

It is particularly important to put on the record that, for the first time ever, South Australia has recorded 350 000 international visitors for the year, and that is an increase of 12 per cent for our state against the national average of 9 per cent; and, for the first time ever, we have exceeded 5 million visitor nights for international visitors. Again, we have an increase of 14 per cent for the year ending June 2000 against a national average of just 9 per cent. These figures are particularly significant for our state, because part of the increases are made up from a 42 per cent increase out of New Zealand; a 26 per cent increase out of North America and Canada; a 23 per cent increase from Asia; and our biggest market share of Europe has shown an increase of 12 per cent.

One of the great things about the increase in these figures is that we can expect a lot more because these figures were recorded before the Olympic Games and, with the focus on Australia for more than 12 months in the lead-up to the games, we know that the international visitation (both numbers and nights) will increase very significantly over the next four to five years, if we get it right. Certainly, the value of the Australian dollar internationally is making us an incredibly attractive destination.

One of the aspects of the question from the member for Stuart which is particularly important is the extraordinary increase in backpacker numbers that we are receiving in South Australia. Over the last year, we have received more than 100 000 international backpackers, and that is a growth of 19 per cent. I think that again augurs well for the future of the tourism industry not just in the city of Adelaide but particularly in the regions.

I think from our perspective, it is interesting to know, and it may come as a surprise to members of this chamber, that the average backpacker spend by an international was $4 500 per visitor. I think that is quite an extraordinary figure. I also think it is important that we do not stereotype backpackers, because we notionally say they range between 18 and 80, but South Australia receives 68 per cent of Australia's backpackers under the age of 30 and 39 per cent between the ages of 20 and 24. It is one of the most important and developing segments of the international tourism industry into which we are putting a lot of effort.

The South Australian Tourism Commission is working very closely with the Backpackers Association here in this state, and a number of initiatives are being worked on including specific events that are being targeted and road shows internationally to talk to actual accommodation venues. It seems to me that there are a number of areas in which we still have to provide facilities, particularly in the regions, and I could think of half a dozen regions where—

The Hon. I.F. Evans interjecting:

The Hon. J. HALL: My ministerial colleague reminds me that Yorke Peninsula is an absolutely ideal destination for backpackers, but we need more facilities over there and, with all the events that are coming up in the year 2002 for the International Year of the Outback, I am sure that the members for Stuart, Flinders and Giles will be delighted with some of the programs we have in hand.

CAMPBELLTOWN LAND

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier in his capacity as Minister for Multicultural Affairs. Does the government support the Coordinating Italian Committee's submission that a parcel of land in the Campbelltown City Council area, managed by the Land Management Corporation, be earmarked for community use, including the establishment of an Italian centre?

Mr Tony Tropeano of the Coordinating Italian Committee (CIC) wrote to the Premier last week requesting that the government land comprising the Brookway Park Oval, a former Metropolitan Fire Service training site and a former campus of the Torrens Valley TAFE and Lochiel Park, not be released to the Campbelltown City Council for residential use but, rather, should be used for community use including a centre for the Italian community offering a centrally located and easily accessible one-stop location with a full range of services for the Italian community, including welfare, support for language acquisition, care for the elderly, and so on. Part of the site surrounds Lock End, the former home of Campbelltown's founding father and a state heritage site vested in the care and control of the Campbelltown City Council.

The Hon. J.W. OLSEN (Minister for Multicultural Affairs): I have only just received the letter. As the leader indicated, the letter might have been dated last week but I think it was received in my correspondence bag either late

Monday night or Tuesday night and I saw the letter from the coordinating committee for the first time.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Mail comes in and, as the leader knows—

Members interjecting:

The SPEAKER: Order! The House will come to order.

The Hon. J.W. OLSEN: While the letter might have been dated eight days ago, the Leader of the Opposition knows full well that any correspondence that comes in goes not directly to my office but, rather, to the State Administration Centre for checking for security and other reasons before it is distributed to my office. Therefore, there is a delay before it gets to me.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Yes, for security checks. Each day, I receive a full list of correspondence that comes in designated to my office, and it was on Monday or Tuesday of this week, I forget which, that in the overnight bags I noted that letter was there. What has occurred is that that has been referred to the respective agency for some detailed advice upon which we can make a judgement.

It is an area that the member for Hartley has pursued, not only in this area, but in a range of areas the local member has pursued a number of initiatives with me, not the least of which is the Italian monument to give recognition to early migrants coming to South Australia. In fact, the Minister for Tourism has a neighbouring electorate in relation to that. We have responded to representations from the member for Hartley. There has been funding put into place to assist the Campbelltown City Council to then move forward to get private sector donations to support them in their quest to establish this monument and history towards early immigration to South Australia. I think it is a great project and something that we will follow through with interest, hopefully to see it established.

As it relates to the land to which the leader refers, once again, as I have mentioned, it has gone to the respective responsible minister's agency for background information and advice. I will seek the views of the member for Hartley again in relation to what the response ought to be. Of course, with any of these matters it is a matter of principle. You make decisions on the merits of the particular case put forward and it is on those principal points that we will make a final decision. As soon as I have had a look at the background information and data and have spoken to the member for Hartley I will be happy to respond to the Italian Coordinating Committee.

GRIEVANCE DEBATE

Mr HILL (Kaurna): On Wednesday 22 November over 100 residents of the Aldinga, Port Noarlunga and Sellicks Beach areas of my electorate attended a public meeting called by me to discuss the community concerns and desires to have the Aldinga Police Station open 24 hours a day. The meeting followed the presentation in this place of 1 500 signatures calling for the same thing. Residents in my electorate are very concerned about criminal activity after hours and a lack of a police response to it. I might say in passing that they are not concerned and are full of praise indeed for the police who are stationed at the Aldinga Police Station. They believe they do a good job and are responsive when they are there. The problem is that they are not always there and when they are not there the local criminals come out to play.

I was very pleased that the Minister for Police and the shadow minister for police both accepted my invitation to attend the meeting, although it was only on very short notice. They attended to listen to the views and concerns of the residents and to speak to the meeting. The residents did put forward their concerns with a great deal of conviction and passion. The Assistant Commissioner of Police, Mr John Lane and Mr Ron Champ, as the Acting Superintendent of Police for the area, were also in attendance and listened to what the community had to say and they also expressed views to the meeting. From that point of view it was a particularly good meeting and I would like to thank the Minister for Police in particular for attending. I think he may have thought I was trying to set him up politically but that was not the case. The meeting was a genuine expression of the views of the residents.

I would like to explain to the House what those views are and a couple of extracts from a couple of documents will do that. The first is from a letter sent to me by Darren and Gina Barker who are the proprietors of the Aldinga General Store. They say, in part, under a heading 'Need for a 24 hour police station in Aldinga':

> As business owners and community members in the Aldinga area over the past 3½ years, we know first hand as to the threats and dangers inherent with the lack of police presence once the 'sun has gone down'.
>
> Our local police officers do a marvellous job in upholding the law and working with the community to establish crime prevention measures. However, they can only work with the resources provided and 'hours of work' parameters as set down by their superiors and/or the government.
>
> The majority of more serious crimes are conducted during the night and currently response times from the police can be up to 30 minutes—long after the crime has been committed and the offender(s) are long gone.
>
> This delayed response time creates community apathy and a sense of hopelessness. How many times have we said or heard, 'I did not bother about ringing the police because it wouldn't make any difference.'

At the meeting a number of members of the community spoke, and I am grateful to a representative of the *Southern Times* Messenger for attending the meeting and recording what some of those people said so that I can pass those views onto the House. The article states:

> A man told the politicians Aldinga residents no longer called police to report crimes because the response they received was 'not sufficient'. The mood (of Aldinga) [he said] is going to change if positive things don't come out of this meeting.

A number of shop owners also spoke. Peter McMahon, from the Snapper Point deli, said:

> We need a police car going around all the time so that these crims are aware that the police are cruising around 24 hours a day.

The article also states:

> A young boy told of the abuse he received when cycling in the area from 'hoons' driving around in cars. 'There's a lot of graffiti around the town. . . and I feel sick when I think my peers are doing all this.'

Further, the article states:

> A man who said he had lived in the area for 50 years said he and his wife dreaded the warmer weather as it attracted 'terrorists' to the region.

The article also states:

Assistant Commissioner White said what he had heard at the meeting had concerned him. 'If there is such a community concern, why has it not been picked up by police before?' he said.

That is a very good point. While the minister and the police listened to the views expressed, no commitment was given to a 24-hour station. However, an undertaking was given to establish a community consultative committee between police and community representatives, and this was supported. The minister also indicated that two extra permanent police, which would bring the number to seven, would be allocated, though I do note that the number now is seven, so there seems to be some sleight of hand in that number.

The point is that residents remember that promises were made to have a 24-hour police station opened in the area. The promises were made by the Liberal Party prior to the 1993 election, and I will indicate some of the references with respect to that for the minister's benefit. Lorraine Rosenberg, in a letter to residents in November 1993, said:

[The Liberal government will] Build a new community police station at Aldinga, open 24 hours a day and operating in the first six months of a Liberal government.

That promise was printed and authorised by Mr G. Morris of Greenhill Road.

Time expired.

The Hon. G.A. INGERSON (Bragg): Today I would like to make a few comments about police statistics and, in particular, some comments made by the opposition spokesman, the member for Elder. I was surprised when I read some of the comments as reported in the *Sunday Mail* and, in particular, the comment that the annual police report was dodgy and dressed up to suit the government of the day. Those comments almost take us back to the Dunstan-Salisbury era, when the integrity of the Police Commissioner was questioned. I want to make some comments about it because, as a former police minister, I know full well that you could not, in any way, interfere with those reports, even if you wanted to, because the position is made very clear in the act.

More importantly, the integrity of the commissioner is the most important part of this report. I was surprised that the member for Elder should go down that path. I understand that he made a somewhat whimsical apology yesterday in the House, and I congratulate him for at least doing that. However, it is important to recognise that police statistics are established under a national regime. There is a standard set of collection data so that it can be recognised on a national and state basis. There are some issues in terms of how individual crimes are reported and whether they should be categorised so that the statistics can be pushed up.

Over the years the view has been that you need to have a standard procedure to do something about that. Accounting rules and an understanding of how those statistics are put together are very important. As I said earlier, I was surprised that the member for Elder went down this path because, as a general rule, he would understand that the Police Commissioner stands above the parliament and above all of us as members of parliament. The Police Commissioner has a very separate and distinct role in this area. Having been the police minister, I know that one of the easiest ways—

Mr Conlon interjecting:

The Hon. G.A. INGERSON: I have read the honourable member's apology, and I mentioned that he made a whimsical apology. I understand clearly that there always will be a difference with respect to how the statistics will be collected, but there are certain ways of going about this, and one way is to put to the commissioner—

Mr Conlon interjecting:

The Hon. G.A. INGERSON: If the honourable member goes through this he will understand that the police minister does not receive the report before it is published. One of the realities is, of course, that the member opposite is not likely to have that privilege, in my view. But I am concerned about the integrity of the commissioner, because the present commissioner and all other commissioners with whom I have worked have been beyond reproach in terms of the method and methodology that they put forward. If we have different views and we want to express those views, we have the opportunity to do it in this place and we have an opportunity to move amendments to the act in this place. I find it disappointing that, in this case, it was not done.

I also note that a very good letter appeared in the Letters to the Editor on 23 November from the commissioner, who makes very clear for all South Australians how and why it is done. I also note that, earlier in the week, the member for Peake made a big deal about the collection of statistics and the fact that he was not getting any statistics from the Police Commissioner. My only advice to the member for Peake is that he should get on his bike, ride down there, sit in the commissioner's office and ask the commissioner. I am quite sure that—

Mr Koutsantonis: I did.

The Hon. G.A. INGERSON: You did not see the commissioner. The honourable member ought to make an appointment with the commissioner and see him, because he is the sort of person who would provide the information on the spot. I have a little piece of advice for the member for Peake: instead of getting on radio and grandstanding about some statistics that are available to everyone, there is a process, which is much simpler and easier than grandstanding.

Time expired.

Ms BEDFORD (Florey): Today I would like to draw the attention of the House to the appalling lack of resources for people suffering from the dual disability of deafblindness in South Australia. Deafblindness is a debilitating condition and people who are affected this way require assistance of a very special kind to be able to function within society. Unfortunately, despite the fact that many Australians suffer from this dual disability, little has been done at a state or national level to implement disability support programs targeted specifically for deafblind people.

Deafblind people are forced to rely on existing programs designed to support people who are either deaf or blind. Of course, this does not work very well. Blind welfare programs are not designed to support those people who are deaf, and the same may be said of programs for deaf people with respect to the blind. The simple fact that deafblindness has not been recognised as a separate and discrete disability of itself exposes a gap in our disability service systems.

Other legislatures around the world have recognised the significance of this condition, and they have recognised it explicitly as a separate disability requiring a separate regime of support services. Recently, in the United Kingdom, the House of Lords passed legislation recognising the unique nature of deafblindness.

Similar measures have been passed in the legislatures of several European countries, and specific deafblind welfare and support programs have been implemented to ensure that

deafblind people are given support that is targeted towards their specific requirements.

Part of the success of overseas programs for the deafblind has been the inclusive approach to policy development and service delivery adopted. At the recent Deafblind International Asian Conference in Ahmedabad, India, the deafblind community affirmed the central role that deafblind people can play in the development of services that will meet their needs, as follows:

> We strongly recommend that they be fully involved in all developments. This should include all education and rehabilitation issues in which deafblind people should be properly recognised as having a unique contribution to make.

The involvement of deafblind people in the decision- making processes that determine the level and nature of support from government and community is a basic necessity for a successful service program. This does not happen at present in South Australia. Instead, deafblind people have been grouped together with other categories of disability, and their needs and views have not been given the extra weight that they deserve.

A very simple example of the inadequacy of current services for deafblind people can be seen in the education opportunities available for deafblind people. Deafblind students are placed in a very difficult position because of the nature of their dual disability. One can well imagine how difficult learning is with this kind of condition. Despite this, and despite concerted lobbying by members of the deafblind community, there is no position in the education system of South Australia dedicated for deafblind children. Deafblind children are serviced by people who are not trained in their specific needs. This is clearly less than adequate, and I would urge the government to consider very carefully how this problem could be addressed, because I believe that it must be.

Deafblind people rely on others in ways which defy the accepted methodologies of disability services. This is particularly accentuated in the case of deafblind children. According to Ove Bejsnap, of the Danish DeafBlind Association, in a recent paper before the 6th Helen Keller world conference in 1997:

> Deafblind people have always needed accompaniment and have been dependent on voluntary assistance from family and friends.

Despite this patent fact, deafblindness remains an anonymous disability. It is unrecognised, and I am told that there are no accurate statistics to work from as to their actual number in our communities. And deafblindness is unfunded. It is not as simple as allocating further resources from established disability budgets for deafblind needs. Deafblindness is a unique condition and the needs of deafblind people are unique to their condition. They require targeted support and they deserve to be recognised.

Deafblind people have to work twice as hard to overcome the double disadvantage they face in life. Inadequate education and training for those who are deafblind makes it very difficult to be part of the community, and may prevent these people from becoming independent and self-sufficient, thereby limiting their life potential and imposing a high economic and social cost on the nation. Prevention is better than cure, and I urge all members to take this issue on board in the spirit of bipartisanship and work towards implementing better services for deafblind people within our communities.

Mr VENNING (Schubert): The Premier made a very important announcement on Friday 10 November, and that was the review of the Valuation of Land Act. The first stage of a project to address the findings of the review has been launched. It removes the longstanding contention about the way in which determinations are made of notional values for primary production land. This has been an argument of mine for a long time—it has been going on for quite some years (particularly with relevant ministers)—and it concerns rating and valuations of actual values rather than potential values. I was very pleased with this announcement. I have been campaigning for this issue for many years, and now we have a breakthrough. Again, this proves that this government does listen and then acts.

I understand that all existing rural notional values are to be reviewed immediately and changes made where necessary. That is great news, indeed. A particular notional value will now be based on the actual use of land and not the potential, as is currently the case. I have always said that it has been quite inequitable that a grazing property next door to a vineyard (and I have both in my electorate) is valued and, hence, rated the same as the vineyard. In other words, it is valued and then rated on its potential value rather than its actual value.

The new notional values will be used by rating and taxing authorities from July 2001. This is good news for farmers and anyone who owns primary production property. The South Australian Farmers Federation has welcomed the review into notional values as a first step in achieving a more equitable system. I know that land speculators will not be very happy, but I am here to represent hard-working, traditional farmers, who will be happy.

I understand that the Farmers Federation believes that site values should be used for primary production land, and I also agree with that option. Why build up your capital improvements, keep your sheds and fences in good order and keep the weeds and rubbish under control, while the person up the road lets his run to ruin, but you both pay the same rate? In fact, if you do improve your capital value you could be paying even more. This is inequitable, and I believe that the site value system has merit: it is not a disincentive to protect and upgrade your assets.

Local government also should become more involved. Of course, they send out the rate notices and collect the rates, but there is no reason why they cannot be part of the assessment process and use their 'on the ground' knowledge to rate accordingly. It has always been a concern of mine (and I was a councillor for some years) that the valuations were based on the improved values of property. The situation existed that, with respect to similar properties, where one was kept beautifully—a lovely family property—and the other was run down and dilapidated, the one that had been improved was valued more then rated more and the other one was rated less. I did not think there was ever any incentive in that and it totally gave the wrong message.

Certainly, this matter has been a long-term concern of mine. Many constituents have raised this and similar matters with me over my 10 years as a member. I am pleased to be a member of a government that will act to address this inequity and assist people in our state.

Mr FOLEY (Hart): I want to turn to a very funny circumstance that involves the member for Hartley. We read on the weekend that the member for Hartley has put his signs up at the intersection of wherever. He also has put out a calendar to his electorate. I know that I am not allowed to display it, but it is a very amusing calendar because of the large number of errors contained in it.

An honourable member interjecting:

Mr FOLEY: No, the member for Hartley. The first and most obvious mistake (and it has already been reported in the *Advertiser*, I acknowledge that) was a spelling error where he had 'Your state member working fo you in Hartley'; instead of 'for you' it was 'fo you'. We could probably excuse a typing error or a printing error there, but let us have a closer look at what else is contained in this publication, because it shows how little this member knows about his own electorate.

The police station that services Hartley is the Norwood Police Station, as we would all know. But Joe has put in his calendar that it is the Holden Hill Police Station. So, he has listed the wrong police station on his calendar, which I am sure has annoyed local police somewhat.

Let us have a closer look at some of the other errors contained in Joe's calendar. Joe grants a public holiday for all South Australians on 8 January 2001. I do not know whether he has run that past the Premier or whichever minister is responsible for public holidays but, according to Joe, we have a public holiday on 8 January. I will leave that one for the Premier to sort out—I am sure it is not the government position that we have an extra holiday.

Whilst the member gives us a holiday on 8 January, he does not give us one on 1 January—and this is a calendar that purports to celebrate the Centenary of Federation. So, with the most important day of next year being New Year's Day, with the Centenary of Federation, for some reason, Joe does not grant us a holiday. For some inexplicable reason, he has listed that holiday as 8 January. But there is more—and this will concern, I know, the member for Spence, and particularly the member for Playford, because Joe has also omitted in his calendar the holy Easter Saturday public holiday, which will, no doubt, offend people who consider that such an important holiday.

However, there is one aspect of this calendar that is sure to win over the votes of schoolchildren in Joe's electorate—and perhaps he is investing in the future—

The ACTING SPEAKER: (Mr Hamilton-Smith): Order! I have been tolerant to this point, but I ask the member to address the member by his electorate and not by his name.

Mr FOLEY: The member for Hartley has invested in the future, because he has given the children of his electorate extended school holidays. He has extended next year's school holidays by including an additional day of school holidays on 28 September 2001. Joe also has shortened the calendar year. There are no longer 31 days in May—and, for that matter, there is no New Year's Eve. He has omitted 31 May and also 31 December.

The member for Hartley has listed a variety of numbers that are meant to be useful to the constituents of Hartley, but he has managed to list a private line within the Burnside city council rather than the switchboard number. So, some poor officer in the Burnside city council is receiving everyone's complaint—it is, by the way, a private line that he has listed. There also is a grammatical error on the back, in the sentence about the merger of Newton and Hectorville primary schools.

Under the heading of Premiers of South Australia, an obvious problem, already referred to in the *Advertiser*, was that Des Corcoran, a former Labor Premier, was listed as a Liberal Premier. Unfortunately he has the Hon. John Bray listed as the Premier of South Australia for a whole series of years. The problem is that part of the term he has listed was served by the Hon. Sir J.W. Downer. Joe also listed the Rt Hon. C.C. Kingston, QC as a Liberal. The problem with this is that the Liberals did not come into existence for another 40 years.

Under the heading of 'Prime Ministers of Australia' he failed to address four of the prime ministers with their correct title, that is, the title of 'Sir', they being Joseph Cook, Arthur Fadden, Robert Menzies and George Reid, all of whom if they were still alive would be most offended. He aligned Sir Joseph Cook with the Liberal Party, but unfortunately the Liberal Party was not in existence during the period that he was Prime Minister between the years 1913 to 1914. John McEwen was aligned with the Country Party and not, of course, the 'Australian Country'. It is a somewhat embarrassing list of errors.

Time expired.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I think the member for Hart should look at the polls in Hartley and Mr Black is the one who should be concerned. I know from being out there that the member for Hartley is doing a fantastic job, is dedicated and committed and works for today, tomorrow and the future. They need such a local member in the area. If I was living out there I would be proud to have a member like Mr Scalzi as the member for Hartley. I wanted to raise a couple of points today. The first is in reply to the member for Kaurna with respect to the public meeting that he organised in his electorate in Aldinga last week. I will continue to have a close look, as I said to the community down there, at a range of issues to help them, because it was clear in listening to that meeting that bringing in a 24 hour policing presence there alone for Aldinga will not fix the deep-seated issues that need to be addressed in the Kaurna area and that is why I have advised my own senior adviser, as well as people from the crime prevention unit in the Attorney-General's area who have expertise in crime prevention, to work further in a collaborative approach with that community.

I want to put a couple of points on the record. I noted with interest when the member for Kaurna was heavily involved in the Labor Party prior to becoming a member, and had a capacity to be able to make representations to the then Police Minister Kym Mayes, he did not get a police station at all for Aldinga and suggested that the Willunga Police Station should close under a Labor government and that they should at some time in the future build a police station at Aldinga. A report was commissioned then which Labor Minister for Police Kym Mayes supported. It said that there was not a need to build a police station in Aldinga until 1999. Therefore when in government in 1993 the Labor Party had an ideal opportunity to deliver, but did not.

We have delivered a police station and on top of that we have now, on a guaranteed establishment basis (not on two that are seconded from time to time on top of the five, but a guaranteed establishment number) increased by two to seven, so there has been a firm commitment. There is more work to do in that area and I will certainly work as an adjoining local member with that community to help and support them because there were some very genuine and committed people there that might. I appreciated their comments and input and took them on board. We also had the Assistant Commissioner and Acting Superintendent there who could assure them that a lot of good policing work was going on their behalf.

As the local member I want to speak about the magnificent work the Southern Community Project Group Incorporated, known as 'The Shed', on the corner of Beach and Majorca

Roads at Hackham West is doing for the community there. These are mainly retired people with a lot of experience and skill. Mr Jack Ellis and Mr Jack Bonnett and their committee do a magnificent job. Their motto is 'Working with and for the community'. I have always been interested in the work there because they are helping young people at risk, helping people of all age groups who are finding it tough to get jobs, to upskill themselves, to build confidence, to learn about work ethos and to realise that there are genuine people in our community and my electorate who are there to help each other. There is no better ethos to get opportunities for the future than that.

I am proud of the fact that they were the winners of the National Community Link Award 2000 and this was a $5 000 grant. It is a prestigious award and I know that Mr Jack Ellis, a spokesperson for the function in Melbourne, not only had a great day over there but was very proud of the fact that he was able to represent these fantastic volunteers. They have an excellent team of volunteers who are continuously looking to improve the services they offer. They struggle to get assistance and support. It is an area in relation to which I hope one day to be successful in chipping into a little government funding for them. I hope that the business sector would look at the great work they are doing and support them as well.

I will continue to do what I can as their local member because these people are very much valued by our community and give an enormous amount of opportunity to youth, unemployed and senior citizens. I will continue to monitor their work. I great get accolades when I visit and doorknock in the area about people from The Shed project. It is a classic example for the rest of the South Australian community to follow, whereby people with energy, experience, commitment and passion about their own region are prepared to give up their valuable time and experience to help others. That is what our community is about in the electorate of Mawson.

Time expired.

STATUTES AMENDMENT (AVOIDANCE OF DUPLICATION OF ENVIRONMENTAL PROCEDURES) BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to amend the Development Act 1993, the Environment Protection Act 1993, the Mining Act 1971, the Native Vegetation Act 1991, the Petroleum Act 2000 and the Water Resources Act 1997. Read a first time.

The Hon. I.F. EVANS: 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 Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* came into operation on 16 July 2000 and requires a proponent to obtain approval from the Commonwealth Minister for any development or other activity 'which has, will have, or will be likely to have', a 'significant impact' on a matter of national environmental significance.

The Statutes Amendment (Avoidance of Duplication of Environmental Procedures) Bill 2000 introduces a number of minor changes to several South Australian Statutes. These changes are intended to minimise the duplication of procedures and increase certainty for proponents seeking approval under both the new Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the following South Australian Acts:

- *Development Act 1993*,
- *Environment Protection Act 1993*,
- *Mining Act 1971*,
- *Native Vegetation Act 1991*,
- *Petroleum Act 2000*, and
- *Water Resources Act 1997*.

The Bill proposes to insert a new provision in each of the Statutes in order to allow assessment activities undertaken to satisfy the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to be recognised by State and Local Government authorities for their purposes under State legislation.

The above listed Acts require amendment as they contain prescriptive provisions governing the granting of authorisations that regulate environmental aspects of activities which may be duplicated in the Commonwealth process.

This Bill does not preclude the possible future accreditation of relevant State assessment process by the Commonwealth through a bilateral agreement under the EPBC Act.

Consequently, this Bill is required to implement a system of assessments that minimises duplication and increases certainty, at least cost and risk to the State Government, and without compromising the adequacy of current State assessment processes.

There are five main areas of change that the Bill implements in respect of each piece of State legislation.

Firstly, the amendments will enable a State decision under the State Act to accept relevant procedural documents prepared for the purposes of the EPBC Act as procedural documents for the State Act. To be accepted, the document will need to meet the requirements of the State Act as to its substance.

Secondly, the amendments will enable a State decision maker to effectively 'accredit' an EPBC Act process, if the process complies with the minimum State process.

Thirdly, the amendments will enable a State decision maker to adopt substantive documents under the EPBC Act as substantive documents under the State Act. A State decision maker under the State Act may accept (in whole or in part) a document prepared under the EPBC Act as all or part of an equivalent State Act document. To be accepted, the document will need to meet the requirements of the State Act in terms of its preparation, other procedural requirements and substance.

It is central to each of the three amendments above that in all respects a State decision-maker's discretion in accepting documents or processes relating to documents, depends on these documents fulfilling in all substantive respects, the provisions of the State legislation.

Fourthly, the amendments require a State decision maker to consider consistency of EPBC Act and State Act conditions. A State decision maker must heed any conditions that have been set on the activity under the EPBC Act, and consider whether conditions to be imposed under the State Act should be consistent with those conditions. The amendments also allow a State decision maker to impose a condition requiring compliance with the EPBC Act conditions.

Finally, the amendments certify that a document that has been accepted for use by a State decision maker under the amendments listed above will not be invalidated for the purposes of the State Act merely because it has been found to be invalid for the EPBC Act.

This amendment would not prevent a person from separately challenging the State decision maker's use of the document, however, in the normal way in which a person might challenge the use of any document, or the proper fulfilment of any State Act process.

The Government looks forward to the support of the Parliament in passing the Statutes Amendment (Avoidance of Duplication of Environmental Procedures) Bill 2000 in order to streamline assessment procedures for those seeking assessments under the Commonwealth EPBC Act and the amendment Acts.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines 'the principal Act' for the purposes of the Bill.

Clause 4: Insertion of s. 52A

This clause inserts new section 52A into the *Development Act 1993*. Subsection (1) sets out the purpose of the provision. Subsection (2)*(a)* and *(c)* enables the relevant authority under the *Development Act 1993* to accept or adopt a Commonwealth Act document for the

purposes of the Development. Subsection (2)*(b)* enables the authority to direct that a procedure under the Commonwealth Act will be taken to have fulfilled procedural requirements under the State Act. It should be noted that an authority can only accept or adopt a document or procedure if the requirements of the *Development Act* have been complied with. Subsections (3) and (4) provide for two specific cases. Subsection (6) requires the local authority to direct its attention to the question of consistency of conditions that must be complied with by the person undertaking the activity under both Acts. Subsection (7) provides that Commonwealth documents may be accepted or adopted even though their form does not comply with the requirements of the *Development Act* and they include information that is not relevant to matters to be considered under the *Development Act 1993*.

Clause 5: Insertion of s. 50A
Clause 6: Insertion of s. 79A
Clause 7: Insertion of s. 29A
Clause 8: Insertion of s. 130A
Clause 9: Insertion of s. 144A

These clauses make similar amendments to the *Environment Protection Act 1993*, the *Mining Act 1971*, the *Native Vegetation Act 1991*, the *Petroleum Act 2000* and the *Water Resources Act 1997*.

Mr HILL secured the adjournment of the debate.

NARACOORTE CAVES

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

That this House requests His Excellency the Governor to make a proclamation under section 29(3) and section 28(1) of the National Parks and Wildlife Act 1972 abolishing the Naracoorte Caves Conservation Park and constituting the land formerly comprising that park (except for four small parcels that have negligible value) as a national park with the name Naracoorte Caves National Park.

I do not need to contribute to the debate any further as I previously made a ministerial statement on this topic back in June or July. I commend the motion to the House.

Mr HILL (Kaurna): The opposition supports the proposition. The Naracoorte Caves are an important conservation and tourism site situated some 12 kilometres from Naracoorte in the South-East of the state. The caves were first dedicated as a cave reserve in 1885 and dedicated as a national pleasure resort in 1917. It is a great shame we no longer have national pleasure resorts. It would be great to have such a term in our statute.

The Hon. I.F. Evans interjecting:

Mr HILL: The minister says that he is thinking of creating such a classification—that is a very fine admission. The Naracoorte Caves Conservation Park was created by statute in 1972 by the Dunstan government. Section 30(1)(a) of the National Parks and Wildlife Act provides that a conservation park is:

any crown land that should be protected or preserved for the purpose of conserving any wildlife or the natural or historic features of that land.

In the case of the caves, its listing as a conservation park was to conserve and protect a specific karst and cave system and the abundant vertebrate fossils. In 1988 the National Parks and Wildlife Service district officer, Mr Brian Clark, compiled a submission to have the area declared a world heritage area. This application was submitted to UNESCO by the Keating Government in 1992 and approved in 1994. UNESCO scientists found that the caves, particularly Victoria Cave, contained, as the *Advertiser* of the day described it:

. . .superbly preserved bones of mammals. . . dating from 170 000 to 18 000 years ago. The fossils—Australia's largest and best preserved deposit and one of the richest in the world from the Pleistocene period—document a distinctive group of animals, notable for the many complete skulls and partially connected skeletons.

Clearly, such an area deserves the highest possible level of protection available by the state parliament and, clearly, declaring the area a national park is appropriate. Section 28 of the National Parks and Wildlife Act provides that, to become a national park, crown land must be considered to be of 'national significance by reason of the wildlife or natural features of that land'. I assume that the area in question was not originally declared a national park, partly out of a lack of knowledge at the time of the extent and value of the fossil material, but also because I assume that what was of value was its historic feature rather than its natural form.

What is important in this declaration is that mining and exploration will be excluded. This is almost status quo but for 0.13 per cent of the current park, which is subject to exploration. What was not clear from the minister's statement of 1 June is whether the area reserved for mining is contained within the area to become the national park or the four small parcels of land which are to be excluded. I understand, though, from information that has been provided by the minister, that the area where mining would have been allowed is, in fact, in the national park part of the parcel.

While the opposition supports the upgrading of Naracoorte Caves, we do so recognising the cynicism, opportunism and hypocrisy associated with it. The changeover makes no material difference at all to the park: it is really just a change of name. The level of protection and the level of resources available to the park will stay the same, although clearly calling it a national park gives it a higher status and, no doubt, will be important in marketing the caves.

This is part of the attempts by the government, and particularly the minister, to rebadge themselves as green friendly after many years of environmental vandalism. This statement was rushed out, I point out to the House, to give the minister a friendly headline at the time of the World Environment Day celebrations in June this year. The government was keen to make up, in a PR sense, for its very poor decision, from an environmental point of view, to allow mining exploration in Yumbarra Conservation Park—a nationally important area of virtual wilderness. The minister was keen to take credit for his decision to deny the transfer of a mining lease in the Gammon Ranges, but has been most reluctant to come into this place and, by way of proclamation, permanently remove the threat of exploration and mining from that area.

The other area of hypocrisy is, of course, in relation to the Sellicks Hill caves, which were substantially destroyed with minimal resistance from this government. The responsible minister, the Deputy Premier, is still to respond to the recommendations of the ERD Committee which inquired into the whole sorry episode. Who knows what important heritage we have lost as a result of the government's cowardice on this issue? As I said, the opposition supports this measure, while recognising the politics behind it.

I finish my brief comments today with another quote from the *Advertiser*, this time from 18 February 1995 and a story written by Jeff Turner, called 'Caves of Secrets'. This relatively purple prose gives some feeling for the nature of the caves. Mr Turner writes, in part:

Within their chambers is the stuff of Jurassic Parks—the bones of creatures that flew, leapt and crawled across the southern part of Australia more than 350 000 years ago. But these aren't bits of bone and loose fragments. The way the caves were formed, with creatures falling alive into what were to be their death pits, whole skeletons of tens of thousands of animals are preserved. . .

In the artificial light, the colours are reds and golds. And the mass of bones, jaws, ribs, legs, whole skulls, cast eerie shadows. Overhead, hundreds, perhaps thousands, of finest straw-like spears from the chamber's ceiling. It is a stalactite display of spectacular dimensions.

As I say, the opposition supports the measure, and we wish those involved in the management of the Naracoorte Caves, and those who are involved in the exploration of the fossils in the caves, all the very best for the future.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the opposition for their comments and ignore the cheap shots.

Motion carried.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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.

In 1977, the *Long Service Leave (Building Industry) Act* established the portable long service leave scheme for construction industry workers. Since 1987, the scheme has operated under the *Construction Industry Long Service Leave Act* (the Act). The scheme enables construction industry workers to become eligible for long service leave based on service to the industry rather than service to a single employer. The scheme provides equity to workers in an industry where employment is highly transient. This portability of service extends to work interstate through a national reciprocal agreement. The scheme is self-funded through employer levy contributions and interest on investments.

The amendments that are proposed by this Bill will make the Act more equitable and reinforce consistency with certain provisions of the *Long Service Leave Act 1987*.

The key features of the amendments are:

(1) To remove the capacity for working directors to claim retrospective benefits and to provide benefits based on actual contributions to the construction industry long service leave fund (the fund).

Many working directors have realised the financial benefits of registering with the scheme, particularly retrospectively. Retrospective registration enables working directors to quickly accrue sufficient service to become entitled to leave, and in so doing to inflate their ordinary weekly pay (used in the calculation of the leave payment). As a result, these people can claim payment in excess of the levies paid on their behalf into the fund.

Under the provisions of the Act, working directors are deemed employees of their companies and therefore must be registered and have levies paid into the fund.

This amendment proposes to extend the existing voluntary scheme for self employed contractors to working directors, thereby requiring them to make fixed contributions in return for service credits in each bi-monthly invoice period. Working directors will only then receive what they pay into the scheme plus accrued interest. Should prior service as a defined worker also apply, this entitlement will continue to be calculated using the average ordinary weekly pay.

Other proposed ancillary amendments are:

- Interest will accrue on contributions using the 90 day bank rate;
- Retrospective registrations will be accepted, but not with a view to reinstating cancelled worker service entitlements;
- Working directors may elect to withdraw contributions paid into the scheme prior to establishing a long service leave entitlement, but not accrued interest.

(2) Reducing the period of allowable absence from three years to two years for those workers with less than five years accrued service. This in effect reduces the long-term liability of the fund.

Under the current provisions, workers can be out of the industry for three years before their service entitlement is cancelled. Under this amendment, the period of allowable absences will be reduced to two years for workers with less than five years' service. The period of three years will be retained for workers with more than five years' service.

(3) Previous long service leave payment recognition to be restricted to the period of service in the construction industry when making a pro rata payment to workers with less than seven years' service entitlement.

Since 1 July 1982, the Act has allowed pro rata payments to be made upon termination to workers with less than seven years' accrued service, provided that they had a previous entitlement to long service leave under the *Long Service Leave Act 1987*, for service as a building worker prior to the inception of the Act. The Act was further amended in 1993 to extend this provision to include reference to the Metal Industry (Long Service Leave) Award, which was relevant to the electrical and metal trades workers who came under the Act in 1990.

These provisions are no longer relevant as the scheme has been in operation in excess of twenty one years and over eight years for electrical and metal trades workers.

The potential exists, through the application of this provision, for the Fund to pay out claims in excess of the income received. This represents a further impost on the Fund's sufficiency.

These amendments ensure that previous long service leave payments from the scheme will only be recognised when making pro rata termination payments to workers with less than seven years' service entitlement.

(4) Service recognition for an absence resulting from a work related injury be limited to two years and employer or WorkCover payments of income maintenance will not constitute remuneration paid to the construction worker for which a levy is payable.

When a worker is on income maintenance as a result of a work related injury, service continues to accrue with employers required to pay the appropriate levy. There is currently no limit to the amount of service which can be accumulated. The original intention of the Act was to only cover short-term absences and provide continuity of service accrual. The open-ended nature of the existing provision places an unfair burden on employers to maintain levy payments indefinitely.

The proposed amendments to the Act will mean that service recognition for an absence resulting from a work related injury will be limited to two years. The amendments provide that employer or WorkCover payments of income maintenance beyond two years do not constitute remuneration paid to the construction worker for which a levy is payable.

These amendments have been discussed with employee representatives on the Board and are supported by these representatives.

(5) To enable workers on allowable absences to be credited with the corresponding period of service.

At present the Regulations under the Act prescribe payments made to a worker in relation to annual leave, sick leave, public holiday, rostered day off work, industry allowance or tool allowance and income maintenance as components of ordinary weekly pay. Long service leave is not included and as such the Fund meets the cost of service credited while a worker is on long service leave.

Workers are credited with one day's service entitlement for each day's allowable absence. This is consistent with the *Long Service Leave Act 1987*.

These amendments ensure that workers on allowable absences are credited with corresponding periods of service. The amendments also ensure that the levies are paid on all

allowable absences *excluding* long service leave and employer or WorkCover payments of income maintenance beyond two years.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 inserts a definition of 'the prescribed period' into section 4 of the principal Act. This definition is a mechanism for providing that a construction worker loses his or her entitlement to long service leave if he or she has less than 1300 days entitlement and is out of the industry for 24 months or has 1300 days or more and is out of the industry for 36 months.

Clause 4: Amendment of s. 5—Application of this Act

Clause 4 amends section 5 of the principal Act. These amendments are part of a series of amendments in this Bill to put a construction worker who is employed by a company of which he or she is a director in the same position as a self employed contractor under section 37A of the principal Act.

Clause 5: Amendment of s. 14—Effective service entitlement

Clause 5 amends section 14 of the principal Act. Paragraph *(a)* provides that construction workers will be credited with a day of effective service for each day of allowable absence (annual leave, sick leave etc.) in addition to each day that he or she actually works. Paragraph *(b)* removes subparagraphs (ii) and (iii) of subsection (4)*(b)*. These subparagraphs have now served their purpose and are redundant. Paragraph *(c)* makes the change referred to in the note to clause 3.

Clause 6: Amendment of s. 17—Cessation of employment

Clause 6 makes a change to section 17 that corresponds to the change made by clause 5*(b)*.

Clause 7: Amendment of s. 18—Preservation of entitlements in certain cases

Clause 7 makes a change to section 18 that corresponds to the change made by clause 5*(c)*.

Clause 8: Amendment of s 37A—Self-employed contractors and working directors

Clause 8 amends section 37A of the principal Act. This section provides for the establishment of an investment scheme to provide long service leave entitlements for self employed contractors. New subsections (1) and (1a) inserted by the Bill replace existing subsection (1) and extend the operation of the section to a person who is employed by a body corporate in the construction industry and who is a director of the body corporate. Paragraph *(c)* replaces subsection (3) and inserts subsections (3a) and (3b). These subsections provide for preservation of existing entitlements where section 37A applies to a person who was formerly a construction worker. Paragraph *(o)* inserts new subsection (10) which provides for preservation of entitlements earned under section 37A if the self employed contractor or director again becomes a construction worker to whom Part 3 of the principal Act applies.

Mr FOLEY secured the adjournment of the debate.

STAMP DUTIES (LAND RICH ENTITIES AND REDEMPTION) AMENDMENT BILL

In committee.

(Continued from 29 November. Page 747.)

Clause 5.

Mr LEWIS: When we adjourned last night I had moved the amendment which I was wanting to have circulated in my name. It is quite simple: to replace 'five' with 'three'. That lines up with other legislation so that the meaning of the phrase 'de facto spouse' is consistent across the law. I commend the amendment to the committee.

Ms RANKINE: As members know, I briefly flagged an intention to move an amendment of this nature when the legislation got into the upper house. The member for Hammond has done so, and I thank him for doing so. This simple amendment is about consistency, fairness and equity. The financial impact on the government would be minuscule, but it has a real and important impact on those individuals who would be affected.

The Hon. M.R. BUCKBY: I also support this amendment, which brings this bill into line with a decision that was made in 1996, as the member for Hammond indicated last night, that three years be the period of cohabitation. The government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 15 passed.

Clause 16.

Mr LEWIS: Section 71C of the principal act needs to be amended in keeping and to be consistent with the amendment the committee has just adopted in the other instance of where five years was being used in connection with the definition of 'spouse', and I have on file an amendment the effect of which is to delete 'five years' and insert 'three years'.

The ACTING CHAIRMAN (Hon. G.M. Gunn): The honourable member would really need to have the relevant clause recommitted at the conclusion of the committee debate, as his amendment relates to clause 5.

Mr LEWIS: If it will make everybody happier, for a pleasant Thursday afternoon, I will accept the minister's assurance that he will have this provision in section 71C dealt with in the other place.

The Hon. M.R. BUCKBY: I am happy to give that assurance to the member for Hammond.

Clause passed.

Clause 17 passed.

Clause 18.

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

Page 19, line 18—Leave out 'Maximum penalty:' and insert: Maximum penalty: $10 000.

Amendment carried; clause as amended passed.

Remaining clauses (19 and 20) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (APPOINTMENTS TO TRUST AND BOARDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 305.)

The Hon. M.D. RANN (Leader of the Opposition): All of us are aware of the success of the Country Arts Trust. It is well managed. It has been a successful arts organisation in South Australia; it has been quite proactive in terms of the new programs in which it is involved in assisting communities to develop; and it has also been quite successful in encouraging the wider participation by people living in South Australia's rural communities in the arts, both on an individual basis and also in terms of the participation of rural towns and regional cities. This is a Labor government initiative that deserves bipartisan support. Certainly, after some decades it is now bearing fruit in country areas.

In the past the arts was seen as being the province of either the metropolitan area or some regional centres, and the Country Arts Trust has been most successful in bringing the arts to country areas and then fostering its growth in those areas from the ground up. Certainly, arts are being taken much more seriously today in country areas as people recognise that they are very much a focal point—a catalyst—for bringing together communities, for ensuring that young people are involved and also for ensuring that older people

have an opportunity in terms of the development their skills, talents and participation.

This bill is basically the 'Save Nicky Downer bill'. We all know that Nicky Downer is the Presiding Officer of the Country Arts Trust in South Australia, and she has been doing a good job. It is really important to distinguish our respect for people from the other side of politics who perform well. We believe that it should be acknowledged, rather than taking the petty approach that is often taken of being disparaging of anyone from the other side of the House. The Labor Party is prepared to save Nicky Downer, because of the problem she has with her position. At present, a conflict might arise in her present position of President of Regional Arts Australia, a national organisation, and her inability, if the legislation remains as it is now, to continue in her role as President of the national body, Regional Arts Australia, beyond May 2001, because she cannot be reappointed under the present terms and conditions of the Country Arts Trust.

Essentially, the problem is that this very simple bill is to allow Ms Downer to continue as presiding trustee of the Country Arts Trust because, if we do not change the law to allow her to stay on, she will then lose her position as President of Regional Arts Australia which, of course, gives the South Australian arts community considerable clout nationally. There is a public interest—and one hopes an advantage—to our state by amending legislation to enable a South Australian to remain in this important national position, but to do that we have to ensure that we can change the legislation to allow her to continue as the Presiding Officer of the Country Arts Trust, because under the current law she cannot have another term. She has served her maximum number of years.

The Labor party is pleased to support this legislation. As members would know, Nicky Downer was appointed to the position of presiding trustee in January 1999, following almost four years as a trustee. She was originally appointed in May 1995 and, as a result, under the current provisions, which do not allow trustees to hold office for more than six consecutive years, Ms Downer would not be eligible for reappointment beyond May of next year. I think all of us would like to pay tribute to Nicky Downer. She has been an outstanding presiding trustee; and during her short time in the presiding officer's position has played a significant role in strategically positioning Country Arts SA and assisting in the growth of regional arts generally, both at a state and national level.

It is vitally important for us to put the state's interest first. We cannot jeopardise South Australia's position of losing the national chairmanship of Regional Arts Australia by simply allowing Nicky Downer to fall off the perch in terms of her local position. The two are clearly interlinked. People would recognise that the organisation, Regional Arts Australia, includes representatives from all the states and territory regional arts agencies and acts as the national peak advocacy organisation for the ongoing development of regional arts. This is a crucial position and, over the next couple of years, Nicky Downer could achieve significant benefits for regional arts at the national level and of course in South Australia.

It helps us to have local people who understand regional and country arts issues and the needs of country areas in terms of arts and cultural development, both the problems and the challenges, and therefore the Labor Party is very pleased indeed to support the Minister for the Arts (the Hon. Diana Laidlaw) in trying to assist the government to allow Nicky Downer to stay on in both positions. I am very pleased to inform the House that the Labor Party gave this due consideration. We believe that we should put aside Nicky Downer's political leanings, recognise her significance in the arts community and her expertise. We have great pleasure in ensuring that this bill passes with bipartisan support to allow Nicky Downer to remain as presiding officer and to be a member of Regional Arts Australia.

Mr VENNING (Schubert): I want to speak very briefly. I understand this bill is to amend the current legislation, which, at present, can limit the tenure of presiding members and presiding trustees of the Country Arts Board. I support this bill. As the leader said, I do not want to lose people with skills, experience and knowledge, particularly board members, prematurely due to the existing provisions of this act and also purely by the effluxion of time. Nicky Downer is known to me and she is known to the people of the Barossa. Not only is she known for her work with Country Arts SA but also her work with the Barossa Music Festival. Certainly the family has been a great asset to our community.

In Schubert we have the Barossa Convention Centre, or, as some would call it, the Faith Centre. It is unfortunate that the centre currently is not on the Country Arts of South Australia rural country program circuit. The centre does enjoy many cultural events such as choirs and music groups. One of the major events this year was the centre's hosting a section of the International Barossa Music Festival. However, they would like to be part of the country arts program. I notice the minister in the gallery, and I have not given her a prior warning of this, but I hope that she approves—I will be told if she does not.

It would provide a huge benefit to the people of the Barossa and the surrounding regions if the full range of cultural performances were available to them also. I also realise that people come to the Faith Centre from far away regions such as the Murraylands and Clare. I also understand that I am to receive representation from community leaders on this particular matter, which I will certainly be supporting. I will raise it with the minister. I have written to her, although she probably has not received it yet. I appreciate her cooperation, understanding and assistance in all things, particularly in matters relating to the arts. Country people certainly do appreciate what this government has done for Arts SA.

Ten years ago I would not have been standing in this place talking about country arts. I think this minister and others have educated many of us in what is necessary for our communities, because our communities now have a wide ranging need and appetite, and even though I was not an artistic person 10 years ago I think I nearly am now—

The Hon. M.D. Rann interjecting:

Mr VENNING: It was an extraordinary performance, wasn't it?

The Hon. Dean Brown interjecting:

Mr VENNING: A person with more artistic taste, I should say. Anyway, I pay tribute to the work of our minister. She is a favourite minister of ours and is certainly a very dedicated minister in relation to country arts.

Mr Clarke interjecting:

Mr VENNING: I can dish it out as well as anyone can. The minister has spoken crossly to me more than once in my 10 years. However, I certainly have appreciated her cooperation, and I pay tribute to her efforts and her diligence.

Mr CLARKE (Ross Smith): I will be exceptionally brief. I support this bill and the one that follows. Being a long-term

supporter of the arts and a well-known aficionado of the arts, I support this bill. I understand that the consequences of the passage of these two pieces of legislation will enable the same person to be able to remain appointed to both boards. I hear an interjection. You cannot escape her: whatever chamber you are in, you cannot escape her! Thank God I do not share the same party room.

Mr ATKINSON: Mr Speaker, I rise on a point of order. I understand there was an interjection from the gallery. Do you find it necessary to clear the gallery, sir?

The SPEAKER: I uphold the point of order in that I did hear a word, but I am unable to identify it at this stage.

Mr CLARKE: We are blessed that it is only one word. I am glad it is not in the other chamber where it would be voluminous. In any event, there is also a great advantage in this legislation because, no doubt, it will be of some practical assistance at some future time to either retired shadow ministers for the arts or indeed current or past ministers for the arts who may well prefer to move into private employment if they are no longer ministers. No doubt, their skills and abilities would be very much appreciated and allowed to remain within the arts industry.

Mr LEWIS (Hammond): I would like to say ditto to much of what has already been said about the merits of the minister and the kinds of things which have been achieved by her, and her predecessors. I claim some credit at a personal level, not for her achievements at all, no, but for the very existence of the South Australian Country Arts Trust. When I first became a member in this place in 1979, I drew attention to the anomalous situation that existed where, if country people did get access to arts funding, it was only through programs that were taken on tour to theatres which had been built in the larger provincial centres, one of which was in Renmark. None of the people whom I represented anywhere from Robe, Kingston, Keith and Murray Bridge were, in any sense, close to Renmark, indeed some of the people I represented at that time were closer to Mount Gambier.

There certainly needed to be the means by which arts programs, otherwise only available in the Adelaide metropolitan area, were made more readily accessible to people in country areas and, where they were made accessible through those theatres, that some additional consideration was given in light of the remoteness of communities even from those theatres, communities such as Lameroo and Pinnaroo, for instance. That resulted in some fairer provision of capital for the improvement of entertainment facilities suitable for the arts in both Lameroo and Pinnaroo, as well as in Kingston in the South-East, through the assistance provided there to the Kingston Community School.

Having made those remarks, I will not regale the House with any more history, except to say that I appreciated the audience which the then minister during the Tonkin government (Hon. Murray Hill) gave me on these matters and the assistance that the current minister provided in developing a clearer understanding in the minds of the bureaucracy as his personal assistant; I nearly said, 'Jack of all trades', but I must correct myself in that respect and say, 'Jill of all trades', because that was her outstanding role. She seemed to be able to apply herself to any problem the minister had and ensure that it was worked through by the people who were to be affected by any solution that might be found to the problem once it was properly identified—and properly identified it had to be or it was given short shrift.

I want to make some gratuitous comments about the focus of attention that is given by the Country Arts Trust to specific kinds of performances and not others. I think a little PR work on its part might help other forms of the performing arts, and still other forms of arts generally, and recognise that small amounts of assistance, however small they appear in budgetary terms, will be considered great amounts of assistance by those who, not knowing of them, have never applied for them but, should they be able to apply for them through knowing about them, would derive great benefit therefrom. That would further enhance the standing not only of the minister—if that is possible—but also of the board and its chairperson and the role which government has played in the development of a greater appreciation of the arts.

It is a poor society of human beings that ignores the necessity to stimulate the creative capacity of the human intellect, and from that derive great entertainment that would not otherwise be possible and, through that, relieve depression and the humdrum of what can otherwise lead to greater numbers of people suffering mental illness. That is what the arts really is all about: providing the means by which it is possible for us as human beings to generate an understanding of the benefits of being creative without having to be competitive with others in the process. It is not that competition is a bad thing, but the fact that one is inspired to be creative and entertaining through that adds to the dimensions of civility and enhances what I think most of us mean and imply, anyway, when we use the word 'civilisation'.

Long may the work continue, and long may the minister's understanding of its importance be perpetuated. I thank her and the members of the trust for what they have done. Of course, I have a vested interest—and I do not mind declaring it: I am quite happily Chairperson of the board of the South Australian Council for Country Music, and we enjoy assistance from the minister and from the various agencies. I hope that in the future we can enjoy even more assistance from her through the Country Arts Trust.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their positive contributions to the debate. First, regarding the recognition and support given to the Country Arts Trust, I know, having a country electorate, about the tremendous appreciation and support that is given to the arts, both in the southern Fleurieu Peninsula area and also on Kangaroo Island. At a place such as Kangaroo Island, the Country Arts Trust is seen as a lifeline in a relatively small and remote community in terms of being able to put on performances, and that support is appreciated very much indeed.

All the speakers have acknowledged the important work that the trust does, and that, of course, comes back to the board and the staff and, particularly, the leadership provided to the trust by Nicky Downer as the Chairperson. This bill is about allowing Nicky Downer to continue in that role so that she can then maintain a national role as well.

I urge the members of the House to support the bill. Two amendments will be moved to clarify a point that was raised in the upper house. As a result of debate in the upper house, it is being picked up in the lower house, but I think all members will support that. So, I again urge members to support the legislation but, in so doing, acknowledge the work of, particularly, Nicky Downer and the Country Arts Trust, especially the work it does in smaller rural communities.

Finally, I want to pick up a point that the member for Hammond made: the importance of the arts to people who suffer from mental health problems. I have seen first-hand the extent to which those people see a tremendous relief and assistance given through the arts as a means of therapy. I go to quite a few functions involving people with mental health problems, and it is interesting to see the patients, the consumers in that area, very actively involved in promoting and using the arts.

I know the extent to which so many of those people see it as their relief and a means of easing what would otherwise be some of the burdens of the illness they carry. As the Minister for Human Services responsible for health, I also endorse that aspect very strongly indeed. I support the bill and urge other members of the House to do likewise.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. DEAN BROWN: I move:

Page 3, lines 11 to 21—Leave out new subsections (1) and (2) and insert:

(1) The presiding trustee of the Trust is appointed for a term not exceeding three years specified in the instrument of appointment.

(2) A trustee of the Trust (other than the presiding trustee or a trustee who holds office *ex officio*) is appointed for a term not exceeding two years specified in the instrument of appointment.

(2a) A trustee is eligible for reappointment on the expiration of a term of office but cannot be reappointed so that—

(a) the person's total term of office exceeds nine years; or

(b) the person's total term of office as a presiding trustee exceeds six years; or

(c) the person's total term of office as a trustee other than a presiding trustee exceeds six years.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. DEAN BROWN: I move:

Page 3, lines 25 to 29, and page 4, lines 1 to 5—Leave out new subsections (1) and (2) and insert:

(1) The presiding member of a Country Arts Board is appointed for a term not exceeding three years specified in the instrument of appointment.

(2) A member of a Country Arts Board (other than the presiding member) is appointed for a term not exceeding two years specified in the instrument of appointment.

(2a) A member of a Country Arts Board is eligible for reappointment on the expiration of a term of office but cannot be reappointed so that—

(a) the person's total term of office exceeds nine years; or

(b) the person's total term of office as a presiding member exceeds six years; or

(c) the person's total term of office as a member other than a presiding member exceeds six years.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADELAIDE FESTIVAL CENTRE TRUST (COMPOSITION OF TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October, Page 258)

Ms HURLEY (Deputy Leader of the Opposition): This bill comes to us for historical reasons and, as a way of ensuring the ongoing success of the festival, the minister seeks now to rectify certain anomalies that have arisen. This bill seeks to provide more independence from the festival organisation from the minister and the government in terms of artistic activity. It absolves the festival from having all its appointments above AS02 level approved by the Governor in Executive Council. It also reduces the size of the board from 12 members to eight, with two of the eight to be selected from three nominations each from the Friends of the Festival and the Corporation of the City of Adelaide.

I believe it is not necessary to re-emphasise the importance of the Adelaide Festival to this city and the state of South Australia generally. Certainly, not many people from my electorate in the outer northern suburbs come into the festival but I believe that might change soon under the new festival director and also from speaking to some of the people in the Adelaide Festival Centre, Rosalba Clementi, being one of them. I believe the proposal is to encourage a wider range of people to join in the festival and feel that they are a part of it.

I think that a bill such as this will provide a legislative framework for the organisation that will give it more artistic independence and freedom and enable the festival to stamp itself, as it has done in the past, as a unique and important event in this state.

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for her contribution to the bill. It is to correct an historic circumstance that has occurred, and the bill should pass through all stages as quickly as possible.

Bill read a second time and taken through its remaining stages.

ELECTRONIC TRANSACTIONS BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 226)

Mr ATKINSON (Spence): This bill provides a statutory framework by which electronic transactions can occur. Similar bills have been—or will be—passed in all states in Australia and in federal parliament. The bill is loosely based on the United Nations model law with respect to electronic commerce. There are two principles that underpin the bill. One is of media neutrality: transactions using paper documents should not, other than for sound policy reasons, be treated differently or have a different legal effect from electronic communications. The second principle is that of technological neutrality: the law should not favour one form of technology over another and should remain neutral between different forms of technology.

A transaction will not be invalid merely by virtue of being effected electronically. Requirements such as signature in writing, documents and retaining documents can be met by electronic means. The time and place of dispatch and receipt of documents is provided for, confusion having existed over this point for some time. People can be bound by electronic transactions as they can be bound by transactions on paper.

Shifting to the question of validity of transactions, transactions required to be in writing will be valid and legally effective under the bill if the recipient consents to receiving the transaction electronically—I refer to clause 8 (1)—and it was reasonable to expect that the information would be readily accessible and able to be used for subsequent reference. This means that you have to save the document to disk or retain a copy of it.

The sort of things that are covered are: making an application; lodging a claim; lodging a return or request;

making, varying or cancelling an election; and giving a statement of reasons. Where a signature is required by law an electronic document will be valid if it identifies the person who sent it and confirms their approval to its being sent; having regard to the circumstances it was a reliable and appropriate way to communicate; and the person who is in receipt of the document consents to receiving the document this way. It is still possible to require a person to use an electronic signature under the act. This will probably be required for more substantial transactions.

Under the bill, recording information electronically will be sufficient if it was reasonable to expect that the information would be readily accessible and able to be used for subsequent reference, and one complies with any regulations about particular forms of data storage. It is not clear to me exactly what the bill means here—I suppose a certain type of back-up, or particular level of security or data, or number of back-ups may be prescribed. Whether or not it is sufficient to retain a document only electronically will depend on whether it is reasonable in the circumstances.

I now turn to the question of time and place of dispatch and receipt. Under the bill, information is considered to have been sent when it enters a single information system outside the control of the originator. Generally, this means when it leaves the person's computer and travels up the modem of an organisation. I assume that this will mean when it leaves the organisation's server. Information is considered to be received when it enters an information system that has been previously designated by the recipient or if no system has been designated when the recipient actually notices it. Electronic communication is taken to have been dispatched from the sender's place of business. Electronic communication is taken to have been received at the receiver's place of business.

The bill provides for situations where people have more than one place of business. A person will be bound by an electronic communication only if the communication was sent by them or with their authority or with their apparent authority. An electronic form of a document will be valid and sufficient at law if, in the circumstances, it is appropriate to have that form of document as a reliable means of assuring the integrity of the contents and it was reasonable to expect that the information in the document would be readily accessible to be used for subsequent reference.

Some laws can be exempted from the act and, I assume, perhaps I am wrong (perhaps the minister can enlighten me on this), that the Real Property Act will be one of the exemptions, at least for a while, as the Land Titles Office would grind to a halt if we were required to use electronic transactions. I also know that some religious groups, such as the Exclusive Brethren, which is seeking exemption from the bill because, like the Amish people of the United States of America, they would not allow computers into their home or would not deal with modern technology of that kind.

The total number of pages on the internet has surpassed 2.1 billion, and I refer there to English billions rather than American billions. According to Cyveillance, more than seven million new pages are being added each day. September 2000 figures from the Australian Bureau of Statistics estimate that 3.8 million households had a home computer and 2.3 million had home internet access by May 2000. Households with incomes of $50 000 or more were twice as likely to have access to a home personal computer and three times as likely to have internet access compared to households with income below this figure; 56 per cent of households in the metropolitan zones were likely to have a home personal computer compared to 51 per cent of households outside this area.

The ABS figures compare with May 1999 when 3.2 million households had access to a home computer and 1.5 million had access to the internet. The increase in the number of households with home internet access (800 000) was significantly higher than the number with home computers (579 000) over the 12 month period. In December 1997 Nielson Netwatch Survey has reported that 900 000 Australians—6 per cent of the population aged 14 or over—had ordered goods on the internet, compared with 2 per cent in 1995. The main items being purchased were books, compact discs, wine, computers and information technology products.

In addition, 38 per cent of internet users had used the internet to browse for potential purchases. The Gartner Group (an online content provider) predicts that this Christmas will see a 96 per cent rise in commercial transactions in the Asia Pacific region for the purpose of shopping over the internet. Online purchasing forms just part of the growth in global electronic commerce, or e-commerce, which is actually a broader use of information technologies by business and government. However, the public remains concerned about privacy, security and equitable access cost, and, perhaps, not without reason.

Electronic commerce is potentially subject to interception, tracking or abuse. Cryptography is being used to make transmissions more secure and private. Encrypted data becomes reasonably secure if handled carefully at each end. A huge argument has emerged about whether governments or organisations should have access to encrypted transmissions and what level of encryptions citizens should be able to use. This bill does not go into that area. The authenticity of digital transactions and their participants is a critical issue for ensuring that electronic transactions are legally valid. The bill does not comprehensively cover this issue either.

Given the apparently inevitable growth in the use of information systems, Australia needs an appropriate regulatory and policy framework to facilitate online services and ensure that Australians can access new opportunities. One important issue in the area of electronic commerce is how to build commercial and consumer confidence in electronic transactions between parties without a pre-existing relationship. There must be confidence that the electronic transaction infrastructure will be comparable to the security of the infrastructure existing for paper exchanges, namely, services and systems are reliable; transactions are private; services and systems are secure; there are ways to identify the parties involved; the origin and authenticity of a transaction can be proved; and there are appropriate redress mechanisms available if something goes wrong.

Although the prevalence of electronic exchanges are new, they do not necessarily require a technological revolution to create a workable system. After all, using documents was revolutionary at one stage in human history and, further along the track, the British parliament introduced the Statute of Frauds to deal with possible abuses. I am sure a royalist and a man who appreciates tradition, such as the member for Stuart, would be familiar with the Statutes of Frauds, its origins and its great persistence in our legal system to the current day, although I think that is part of another piece of legislation, the name of which I cannot quite remember just at the moment.

In a number of areas little change to existing law is required, in some areas modification has already occurred and in some areas the law of practice is unchanged. There is a lack of uniformity. At present there is no law in South Australia which either explicitly recognises or denies the general principle that information records and signatures in an electronic form should be given legal effect. The law in Australia includes many situations which require a document in writing, a signature or for documents to be signed, for an original document or for a combination of these. These form requirements apply to a limited number of transactions, usually for sound policy reasons.

In many of those situations an electronic form of document or signature would be unlikely to satisfy legal requirements or might create uncertainty as to the validity of the transaction. The definition of 'writing' varies between Australian jurisdictions. Although at common law there is no general requirement for writing under the law of contract, there is some legislation that requires certain transactions to be in writing and signed. An example is legislation in all states and territories based on the law I mentioned earlier, the Statute of Frauds, 1677, which requires writing for transfers of interests in land.

Of course, in the year 1677, England had the blessed fortune to be under the Stuart monarchy, the Restoration had occurred and England was at its constitutional zenith, but I will not digress on the usurpation of 1688 and the installation of an unauthentic royal family, but I am sure that the member for Stuart would be well aware of this. I am not quite sure who the pretender to the throne is at the moment but I wish them a speedy recovery of their throne.

Some courts have recognised new forms of technology, such as the use of facsimiles, and provided for rules concerning their use. Some legislation has been amended to include emails and other electronic documents and recognise their use. A number of jurisdictions have rules that deal with the admissibility and evidential weight of electronic documents and data messages. These provisions, however, are not uniform. A number of laws have attempted to deal with the issue of retention of electronic records. Some of these laws also require the records to be signed or for the paper copies to be retained in addition to the electronic records. A uniform approach does not exist.

There is uncertainty as to the effect of electronic communication on contractual relationships and interpretation. Clarification is required in this area. The identity of the sender of electronic communications is also critical to their use. The United Nations Model Law creates rules entitling the addressee to assume that a data message is that of the apparent originator and that the data message as received is the same as that sent. There is uncertainty as to how rules applying to dispatch and receipt of paper documents apply to data messages, and certainty and uniformity are again required.

The bill has come under criticism in that it will do little to resolve the uncertainty of electronic commerce. For example, it provides that, if there is a requirement for a signature, electronic communication may meet the requirement if, amongst other things, the method used was reliable. I think that this still leaves room for doubt.

The establishment of the National Electronic Authentication Council (NEAC) may eventually improve the handling of this matter. NEAC will oversee development of a national framework for authentication of online activity and the development of technical standards and codes of practice.

The bill is also silent on data protection, which is really the more important issue about e-commerce. There are no provisions in the bill which make it an offence to steal information, impersonate another online, and so forth. These types of wrongdoing may be covered by other laws—perhaps the Minister will be able to tell us about them. But the bill is not comprehensive.

The European Union's Data Protection Directive in October 1998 means that the release of personal information online into jurisdictions that do not have adequate data protection arrangements is prohibited. Australia does not currently have data protection, and urgently needs to address these problems. With these comments, the opposition acquiesces in the bill.

Mr HANNA (Mitchell): I generally concur with the exhaustive treatment of the bill provided by my colleague the member for Spence. In particular, the member for Spence has pointed out a number of areas which the bill does not cover, and I want to highlight another area that this bill does not cover. I refer to part 1 of the Wrongs Act, which deals with defamation. In numerous places in that part of the Wrongs Act, there are references to publication by newspapers, radio, television and even periodical publications. But it is high time that reference was made there specifically to publication by electronic means also. I do not mean to move any amendments in the committee in dealing with this bill, but I simply flag it as an issue which the government should urgently address.

Mr CLARKE (Ross Smith): I support the bill.

Mr Atkinson: What could you possibly add?

Mr CLARKE: The member for Spence asks what I could possibly add. A great deal! However, in deference to the member for Spence, who is anxious to move onto another piece of private member's legislation, if time permits, I will not take the time of the House for very long.

With respect to this piece of legislation (and this is no reflection on the minister handling the matter, because he is representing the Attorney-General), it would be interesting also to have in the House the Minister for Information Economy, because clause 3 provides:

> The object of this act is to provide a regulatory framework that—
> (a) recognises the importance of the information economy to the future economic and social prosperity of Australia;

And there is a series of other objectives. I think that, with respect to this type of legislation, even if it is deficient in the sense that the member for Mitchell has pointed out (and on the issue of the Wrongs Act and defamation, which is also a matter dear to my heart, as the member for Mitchell knows), we should at least go down this track.

Whilst in Malaysia in June this year, I visited the Multimedia Development Corporation outside Kuala Lumpur. I saw that establishment and the 360 IT companies established there, as well as a specific purpose cyber city, and I thought about the lost opportunities that we in South Australia have had with respect to the MFP. One of the things that was pointed out to me by the executives of the MDC in Malaysia was the necessity to update their laws to take into account electronic transactions, which is exactly what the government is currently doing here. This process began in Malaysia some time ago.

The point that was made to me (and this partly picks up the point made by the member for Mitchell, in that he believes that this legislation is somewhat deficient in at least

one respect that he pointed out, namely, the Wrongs Act) is that you cannot wait to draw up legislation until you cover every conceivable point of view, because the development of technology is such that, the day one completes one piece of legislation, something new comes along and one will need to legislate for that. So, if we wait for the day when we think that everything has reached a point of finality and that it can be wrapped up in the one piece of legislation, that will be never happen, because of the rapid growth of the information technology world in which we live.

So, in Malaysia, in relation to legislation similar to this, changes to the Copyright Act, and so forth, they have done the best they can to this point in time and then constantly update the legislation as and when the need arises. So, I am glad to see that we are moving down this path.

I would have liked the Minister for Information Economy to be here to answer a question, but I will pose it by way of question in my second reading speech rather than in committee (I do not know whether the member for Spence intends to go into committee, but perhaps the minister might be able to answer it in his second reading reply).

To force the pace of industry to adopt the information economy, Malaysia has set a two year deadline for the some 30 000 suppliers of goods and services to the Malaysian federal government. After the end of the two years, all those suppliers, if they want to tender for government projects, must do it online. No tenders will be received by the old methods after that date. This is being done to compel industry in Malaysia to adopt the information age.

I do not know the what the situation is with respect to South Australian businesses in terms of how up to date they are regarding e-commerce. I know that the minister has spoken a lot about it and, certainly, as a government and as a community we are encouraging industry to do that. I do not know whether, in fact, the government has ever considered something like they have done in Malaysia. I am not saying that it should be a two year period, or anything of this nature: I am just trying to extract relevant information as to whether or not that type of approach might not also be successful, perhaps, here in South Australia in order to expedite the information age to those companies that may be a little reluctant, for a variety of reasons, to embark on e-commerce. We are stuck with it, come hell or high water, and we must master it.

The other point that falls within this minister's ambit in representing the Attorney-General is the issue of consumer protection. I know this bill is not related to consumer protection, but I have concerns in that, for example, with people purchasing over the internet, if you speak to any bank security system personnel, as I did a few months ago, they expressed to me very grave concerns—

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

That the time for moving for the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr CLARKE: A person in the security branch of a major bank in South Australia said that they would not purchase goods over the internet and put their credit card number on it, because the degree of security is not good enough. I have had constituents come to me because hackers have got in, got their credit card number and purchased various goods, including one constituent who, after he became aware that his security had been breached, changed the account but it still followed him. He changed his account number, but he was still receiving bills for goods he never purchased. To date the banks have been reasonable in the sense that they have refunded to the client that amount of money and they have an ever growing army of people in their security systems, but sooner or later a bank will turn around and say, 'No, as far as we are concerned here is the credit card number, this is the pin number with whatever identification and you are up for the account, no matter how much it is.'

Credence is linked to that argument with respect to automatic teller machines, because I have regularly had complaints from customers of banks who have put in their pin number, their account has been debited but the cash has not been forthcoming. You will wait several weeks to get an answer back from the bank (unless you know somebody high up enough in the bank to hurry things along), which will wait until the ATM machine is cleared and checked to see whether it balances. If it does not balance, that is, there is more cash there than the receipts show, they will refund you the money.

However, on other occasions the machine balances because somebody may have got $50 less but somebody else has $50 more and you cannot convince the bank to refund the customer the $50 because it becomes the word of the individual against the machine. I know this from personal experience when my daughter was in Sydney working during the Olympics and she sought to get $50 out of her bank account. She got a debit against her account, the $50 was not forthcoming, she put in a complaint and the letter came back recently to say, 'No, tough luck'. I know another person in a credit union in a senior position who was also over in Sydney for the Olympics and lost $200 in similar circumstances. The banks do not sufficiently take into account person to person contact. They just say that it is your word against the machine and the machine balances, so you must be lying.

I am very much concerned—and this falls within the ambit of this type of legislation in terms of the consumer protection mechanisms, where the human element is somehow protected, where the old art of going to court and being cross-examined means that the credibility of the witness is put to the test and we determine whether a person is guilty of a foul murder by such means—

Mr Atkinson: I thought we were going to be brief.

Mr CLARKE: And I will be. I would be interested to know whether the government has given thought to the consumer protection measures I have outlined. Whilst they are not exactly on point to the bill before us, they will arise because of the transactions that inevitably take place, particularly in the growth of e-commerce, a path down which we will inevitably go, but without adequate consumer protections to take into account the individual when the individual is up against some inanimate object like an automatic teller machine or a computer that spits out some advice that says that you are wrong when you know you are right.

Mr LEWIS (Hammond): I would have regaled the House with much the same sort of experience, but it was not $50 or $200 in my case: it was $20 000 and it took me eight months to get it sorted out. The banks simply use computerised records. Moreover, they use computerised generated correspondence and do not give a damn about what you write to them. They do not even acknowledge your letters but simply keep on sending you bills. You ring up on the 13

(whatever it is) number, talk to somebody and they do not want to talk to you about anything else but (usually) paying them money. They are trained to screw you, pin you out to the wall. If indeed you are able, through an equal capacity in debate, to match it with those people who have had specific training in doing it, they give up on you and hang up because they cannot get a positive outcome from that telephone call and it is taking them a long time. The people employed in that role by the banks have to perform and have to equal the number of interactions that is expected of them on a daily and weekly basis, otherwise they will get a 'please explain' from their boss.

The solution is to go to another bank. The trouble is that all the banks use the same approach because it is so successful. They never lose anything; they are never wrong. You cannot afford to take them to court usually, although in my case it was different, and it was worth it. In the cases referred to by the member for Ross Smith it is not. You cannot afford to put $4 000 or $5 000 into a court case to prove that you were right. So, you just write it off and walk away and say, 'Well, it's tough, that's life.' It makes you very angry. People have come to my office and related the same things. You think: are these people for real or are they not? The fact that it continues to happen and that it happened to me convinces me that more often than not the cases are real and the people concerned are angry and see us as inadequate.

They see us as uncaring and as not being willing to understand that their rights, property and money are being ridden over roughshod and we as the law makers in this country as they see us are unwilling to do anything about holding the large corporate interests to account. They are substantial donors to political parties and it is not in the interests of the federal Treasurer of any political persuasion to take them on, so they tend to get away with it. I am angered by the same experience. I do not know what is the solution, but I have a parallel concern that I wish to draw to the attention of the House. I have no difficulty with the concepts in the bill that transactions conducted using paper documents and other transactions conducted using electronic communications should be treated equally by the law and not given an advantage or disadvantage against each other where the parties have agreed to either of those two forms of communication.

I raise this matter on behalf of a Christian fellowship known as The Brethren and other Christian churches which have a fundamental belief in the accuracy and rectitude of much of what is contained in the New Testament, particularly in Revelations. My concern is that this bill allows for other laws or other persons or government entities in the exercise of their powers under those laws to make compulsory requirements for the provision of information electronically. Our laws, such as we can enact in this parliament and in any other state parliament, cannot override commonwealth laws enacted in the federal parliament.

But you know, Mr Speaker, and I know, that very often in the commonwealth parliament there are 30 or 40 bills, all in one lump, allocated a time slot of two to three hours in the House of Representatives for debate, and then they are guillotined. Often, only one of those measures gets any ventilation in the course of debate. The rest of the measures are guillotined and the government simply crunches its numbers. The minister has brought the matter into the party room: it does not affect any one electorate explicitly any more or less than the others. The minister assures the party room that he has had expert advice on it. The party room accepts that advice. The bills are packaged, put into the house, and go through without any member ever reading what they contain, often, leave alone understanding the consequences of it or the nuances of it.

In fact, you only need to look at the size of the Tax Act to know what a farce that is. It is not an act of parliament at all: it is parliament acting as a rubber stamp for executive government in the commonwealth domain. It is tragic that it brings about law which is unjust, uncaring, insensitive, unrealistic and, in some cases, unworkable. I think that it is about time federal parliament recognised that its role and domain is where the founding fathers said it ought to be and stopped expanding itself like some Korean cabal that has got eight or more heads and arms heading in all directions and wanting to be all powerful and all controlling and yet accepting no responsibility for the mishmash mess they have made of our lives in consequence of their interference in what the federal founding fathers never intended them to be doing.

In this case, I want to alert the attention of the House to my concern that this bill allows for those other laws made elsewhere, particularly in the federal parliament, to override what we might want here. There have already been instances in the federal jurisdiction which conflict with the conscience of a group called the Brethren, and other similar groups. For example, let me state that there is the question of school funding. Next year, information from private schools must be submitted electronically, and that is a unilateral decision, not arising out of any dialogue whatever, not arising out of any sensitive consideration of the beliefs of the private schools which, in every respect, provide a sound, sensible, often better education than children can get in the public schools network, but which are forbidden by the law, or those who administer it, from respecting their own beliefs. It is quite wrong. We need to be able, in a society in which we take pride in being multicultural, to respect those multicultural values. As the member for Ross Smith implied in the course of his remarks, all of us have our sensitivities of one kind or another. I am sure that the member for Spence agrees with me on this point. The beliefs which people have ought to be respected.

In this legislation, in particular clause 8(3) allows for the consent provision of the preceding subclauses (1) and (2) to be overridden by any other law. So we are passing a law which we know the High Court will hold is subject to the domain and jurisdiction of federal law where there is a conflict between the two. We are passing that silent altogether in respect of this sensitivity to which I have drawn attention. It means that the concepts of media neutrality and technology neutrality could be set aside. There is no neutrality under that commonwealth law. The explanatory memorandum of the federal bills confirmed this, if any member wishes to examine it. Let me quote it, and I quote a section of the sentence:

> The bill is not intended to override other specific commonwealth laws that require a person to use electronic communications regardless of that person's consent.

So there is not any equality whatever. This means that the concepts, as I have said, of media neutrality and technology neutrality, are set aside.

In some way or other we need to send a strong message to the commonwealth, and I will ask the minister if, in the course of responding to the second reading speech, he will undertake through the Attorney-General and/or the Premier to let the commonwealth know that it is not media neutral and technologically neutral and to let the commonwealth know that the law which they have in place overrides what we say

here and the commonwealth can dictate and require people affected to simply comply and, in so complying, be compelled to use things which they conscientiously disagree with because of their religious beliefs.

This bill sets out the ground rules for electronic transactions. It ought to be obvious, therefore, that it is the most appropriate bill to include a simple clause that would protect those people who have a genuine conscientious objection. However, as I point out to the House, that cannot be because of the commonwealth law held by the High Court to override state law. It is for that reason that I have asked the minister if he will give me an assurance during the course of the second reading response. Believe me, this is not without precedent. We care about it in our industrial relations law, and in the act of 1994 section 118(1) provides:

> If the person satisfied the Registrar by the evidence required by the Registrar that the person has a genuine conscientious objection based on religious belief to becoming a member of an association, the Registrar must issue a certificate of conscientious objection to the person.

That is the law in another jurisdiction. If we look at the Juries Act of 1927, section 16(2), that provides:

> A person may be excused under this section—
> (c) because of. . . conscientious objection

or whatever matter it is, but a conscientious objection is a ground upon which you do not have to participate in jury service.

I do not see, then, why it is legitimate for us in South Australia to subject ourselves to such bullying tactics undertaken by the commonwealth where the federal parliament clearly has not understood the injustice of the consequence of the laws which it has passed that deny the fundamental right of any citizen in a multicultural society. That means that 'multicultural society' is a term to which lip service alone is given, and there is no respect whatever for the beliefs of other people. Therefore, I seek the minister's assistance in overcoming this problem and point out to the people from the Christian fellowship known as the Brethren, and all other Christian faiths—or any other faith, for that matter—that if no-one else will stand in this place and argue their case, I will.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for their contributions. In relation to the consumer issues raised by the member for Ross Smith and the member for Hammond in relation to banks, etc., they really fall outside the context of this bill, but I understand the importance of their concerns and I will forward those to the Attorney-General for consideration in other consumer bills. In relation to the member for Hammond's request to notify the federal government of his concerns, I am happy to pass that on to the Attorney-General and ask him to bring it to the attention of the federal government. I remind the House that this bill seeks to establish in principle a law which provides that a transaction is not invalid merely because it took place by means of one or more electronic communications. That is simply the principle we are talking about.

I am well aware of the conscientious objection issues raised by the member for Hammond. I have received representations from people within my own electorate who I am sure have made similar representations to other members within the House. The government has not put in an conscientious objection provision in this bill because essentially this bill is based on a model bill across Australia. Our understanding is that no parliament has insisted on a conscientious objection clause. The Western Australian parliament or Attorney—I cannot recall which—produced a report in Western Australia such that, although they recognised the issue, they recommended against the conscious objection clause in their corresponding bill.

We have not gone down that path essentially because clauses 8(3) and clause 10(4) are identical to the equivalent provisions in the commonwealth act and, indeed, legislation in other states. It was agreed by the Standing Committee of Attorneys-General that we would have model legislation. While that does not lock us in, a principle was established there. Also, those same two clauses do not mandate the use of electronic communications. That is an important point to realise when we debate this bill—that those clauses do not mandate the use of electronic communications or, indeed, particular types of electronic communication. The bill does not affect other laws that may do so.

I understand that neither Parliamentary Counsel nor the officers of the Attorney-General's department are aware of any other existing law in South Australia which mandates the use of electronic communications. Of course, the parliament will always have the opportunity to consider whether a law mandating the use of electronic communications or a particular kind of electronic communication should apply, and whether there ought to be a conscientious objection exemption to that law. They can always consider that appropriate in any specific circumstances through the usual parliamentary processes. So, we have not gone down the path of putting a conscientious objection clause in.

I also make the point that is about where parties agree, and if parties disagree then the procedure cannot be used. They can actually ask for it to be done in writing, and that gives out, in effect, a conscientious objection principle to those who do not wish to agree for their own reasons. I thank members for their contributions.

Bill read a second time and taken through its remaining stages.

SHOP THEFT (ALTERNATIVE ENFORCEMENT) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 487.)

Mr ATKINSON (Spence): Shoplifting is larceny under section 131 of the Criminal Law Consolidation Act, punishable by a maximum of five years imprisonment. Most people who end up before the beak for shoplifting plead guilty and receive no penalty—that is, 40 per cent—or a small fine. It is believed that most offenders who are busted never come to court. Many retailers do not like going to court, because the process takes too long and the stolen goods are impounded as evidence. Two-thirds of convicted shop lifters are first offenders, and police spend an average of 61 minutes at each shop lifting incident.

The bill proposes that the issue of a shop theft infringement notice deal with shop stealing of goods to the value of $30 or less. This will occur if the victims tells the police that he or she consents to the process. If the suspect accepts his or her guilt, he or she accepts the infringement notice, returns the goods, apologises to the victim in the presence of the police and accepts a formal caution. An alternative is for the suspect to take away the infringement notice to think about whether or not to go through the process, and to report to a

police station within 48 hours to accept the process or to contest the allegation.

If the goods are valued between $30 and $150, the same process may apply, but the suspect must perform one hour of community service for every $5 of the goods' value. This means a minimum seven hours of community service and a maximum 30 hours. The bill has the support of the Retail Industry Crime Prevention Committee. The bill is not a soft option. It is sensible liberalism. I support it.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the honourable member for his support and contribution.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (FEDERAL COURTS-STATE JURISDICTION) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 489.)

Mr ATKINSON (Spence): This is a bill with which I am unfamiliar and with which the minister representing the Attorney-General is intimately familiar owing to the opposition's giving him an opportunity to study at some length the content of the bill. It deals with the Wakim case, decided by the High Court, which struck down that part of the cross-vesting arrangements in courts whereby state jurisdiction was exercised by federal courts.

The Wakim case invalidated these provisions by reference to the Australian Constitution, particularly the chapter on judicial power, and also by reference to an attempt to sustain the cross-vesting procedure with the corporations power. Last year, we passed holding legislation to try to recover some of the cases that were before the courts under the cross-vesting legislation. Now there is commonwealth legislation called the Jurisdiction of Courts Legislation Amendment Act 1999, which the minister refers to with seeming familiarity as the JOCLA Act.

This bill is complementary to the previous legislation. It removes the invalid provisions from the cross-vesting legislation. It buttresses that part of the cross-vesting legislation that can be validated. Unrelated to the Wakim decision, this legislation also restricts the right of criminal accused to seek judicial review in the federal courts of the decisions of commonwealth officers conducting prosecutions in state courts. These kinds of administrative law applications may still be brought in the Supreme Court.

The second part of the bill seems an eminently sensible provision, and the opposition supports the entire bill.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the opposition for its comments and support.

Bill read a second time and taken through its remaining stages.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 609.)

Mr ATKINSON (Spence): The bill is a miscellaneous bill because it contains two unrelated provisions. One is a further exemption from the definition of 'practice of law'; and what is sought to be exempted is reproducing or completing the standard variables of a pro forma loan instrument. What this means is that you do not need a lawyer to fill in the names, addresses, amount of the loan, interval of repayments, or interest rates, in a standard pro forma loan document such as a home loan. I do not think lawyers ever really did this kind of work, and so it is appropriate that it be exempted by legislation from the definition of 'practice of law'.

Of course, the terms and conditions of a pro forma document can be changed only by a lawyer or conveyancer—the opposition agrees with that—and for a guarantee the banking code of practice requires a recommendation to be made for independent legal advice. The pro forma of these kinds of documents must have been prepared by a lawyer. I know that the Law Society fought a bit of a rearguard action to say that the law changes so quickly that there is a danger that, without the involvement of lawyers, these pro forma may be out of date, but the government has persisted with this change and the opposition supports it as a commonsense change.

The second unrelated aspect of the bill is that information which is gleaned from an official examination of a legal practitioner's accounts and records, if that shows misconduct, is to be made available to authorities interstate, even if those authorities interstate are not investigating that particular legal practitioner and have not asked for the document. So, if South Australian investigators come across something untoward in a legal practitioner's records or accounts, then that information should be shared with the authorities interstate. It is very important because South Australian practitioners who have done something wrong might seek to avoid their disciplining in South Australia or the investigation by practising interstate. The legislation is eminently sensible, and the opposition supports it.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the opposition for its comments.

Bill read a second time a taken through its remaining stages.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 764.)

Clause 1.

Mr LEWIS: As I understand it, the present name of the bill implies quite properly that it is a freeze on gaming machines, but that does not imply sufficiently what I would want it to imply about the manner in which licences would then become tenured. Whilst I cannot amend this clause—and maybe it is of no great moment—if you would allow me to explain the difficulties I have with both the name and the substance that follows from it, that might save time later on.

The ACTING CHAIRMAN (Hon. G.M. Gunn): As long as the member's comments are relevant to the matter before the chair.

Mr LEWIS: No, it is okay; we will do it clause by clause then.

Clause passed.

Clause 2 passed.

Clause 3.

Mr LEWIS: What I would want to do is not just freeze the number of gaming machines in this state but, in addition

to that, create a market in gaming machine approvals once the freeze has been created so that they could be transferred by sale between the person or the commercial interest that owns them and anyone else who may wish to buy them. I would also intend that the licences made so available would be limited in their duration, whereas at present they have no limit on their duration; they are there in perpetuity. As I said in my second reading contribution, that means that they are the same as taxi plate licences; that is, they stand forever and they acquire immediate capital value. That capital value could be anything from $500 000 per gaming machine licence up to $10 million, if you use 10 per cent as the discount rate in determining the net present value of future profits that could be generated from the investment in that machine and if it is being used by patrons in a place where there is a high level of patronage.

I believe that no licence ought to be issued for a period of more than eight years and, following the passage of this legislation, there ought to be immediately then a lottery with all the licensed gaming machines numbered 1 to N—however many there are being N. In that lottery, one-eighth of them would be drawn out and those numbers appearing in the first eight will expire at the end of two years from the date of proclamation of the act. The government of the day would then determine how many of those licences that are so expired would be offered for tender or auction, or both, to the public who may have suitably licensed premises in which to use them.

I would also want to make it possible for churches and charitable groups to have premises that were licensed so that they, too, could get the benefit of the profit that idiots provide to the owners of these machines when they play them. I would also want to ensure that people could not use currency, that is, coin in the machines but, rather, have to go and buy tokens—tokens which could not be cashed up unless they were in value worth something like $1 000.

So, the people using the machines would have to consciously recognise that they were really buying something that is never likely to be redeemable unless they have a big win on the machines and get back something in excess of 1 000 such tokens that might cost $1 each to buy—not that you would have to purchase 1 000 but you could not cash up the tokens unless you had 1 000 of them to cash up; thereby forcing people to recognise consciously that they are buying a useless lump of metal with their money that can do nothing else except make it possible for them to excite that machine into action and then understand they will only ever get back 87 per cent, or whatever it is, out of 100 per cent of what they put in the infernal machines.

I would also want to propose amendments which would make it possible for the government to retain those funds for the specific purpose of treating people who have gambling addictions, or at least expend as much money as is derived from the sale of the licences of the machine on that explicit purpose, that is, fixing the problems that are caused by their use. That would provide sufficient funds, I am sure then, to look after the people who are dependent upon gamblers who become addicted and ensure that they did not suffer unduly in consequence.

Those are some of the things to which I wanted us to address ourselves during the course of the committee stage, but I did not get them drafted in time for us to debate them in this and in any ensuing clause in which they might be relevant. It is for that reason that I am confronted with the dilemma as to whether or not it is greater merit to support the legislation or to vote it down, given the House is determined that we should resume debate upon it and that I am physically unable to offer those amendments.

Accordingly, I will not delay the committee any longer by speaking to any of the subsequent clauses. I do believe in the principle that we should cap the number and, in so doing, prevent further spread. I want to make one point in relation to that: if capping the number were not going to be effective, then what would be? We have to make a start somewhere; the public expects us to make a start here.

Clause passed.

Title passed.

Mr ATKINSON (Spence): I move:

That this bill be now read a third time.

The House divided on the third reading:

AYES (27)

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

NOES (15)

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

PAIR(S)

Olsen, J. W.	Hall, J. L.
White, P. L.	Wotton, D. C.

Majority of 12 for the Ayes.

Third reading thus carried.

ESTIMATES COMMITTEE REPLY

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to table a document which is an answer to a question raised during the estimates committee concerning consultancies. Because of the volume of the material and nature in which the material is presented, it cannot be formally inserted in *Hansard*. I understand that the honourable member opposite who raised the question already has a copy of the answer.

The SPEAKER: The minister does not need to seek leave. He merely tables it.

The Hon. DEAN BROWN: Thank you, sir. I therefore table the reply.

ADJOURNMENT

At 5.52 p.m. the House adjourned until Thursday 7 December at 10.30 a.m.

HOUSE OF ASSEMBLY

Tuesday 28 November 2000

QUESTIONS ON NOTICE

SPEED CAMERAS

1. **Mr HANNA:** What were the top five speed camera revenue locations within the proposed boundaries of the Mitchell electorate (effective at the next election) for each year since 1996-97 and in each case:

(a) how much revenue was raised;
(b) how many expiation notices were issued;
(c) how many times did the site operate; and
(d) how many casualty accidents occurred at or near the site?

The Hon. R.L. BROKENSHIRE: I have been advised by the Commissioner of Police of the following information:

The table below depicts the top five speed camera suburbs within the proposed electorate of Mitchell. The table nominates the number of notices issued and total value of expiation fees for the suburbs. The table also indicates the number of speed camera hours performed in the suburb and the amount of injury and fatal crashes.

SUBURB (1996-97)	No. of notices	Amount $	Camera hours	Injury Crashes	Fatal Crashes
O'HALLORAN HILL	3,564	470,332	468	35	0
OLD REYNELLA	560	72,286	365	37	0
BEDFORD PARK	296	39,430	103	21	0
MARION	264	33,357	56	26	0
MITCHELL PARK	250	31,336	54	14	0
SUBURB (1997-98)	No. of notices	Amount $	Camera hours	Injury Crashes	Fatal Crashes
O'HALLORAN HILL	4,005	542,750	504	27	0
OLD REYNELLA	2,968	402,776	562	43	0
STURT	979	128,851	162	16	0
MARION	858	112,308	115	16	1
MITCHELL PARK	562	74,804	106	14	0
SUBURB (1998-99)	No. of notices	Amount $	Camera hours	Injury Crashes	Fatal Crashes
OLD REYNELLA	2,296	319,900	436	43	0
O'HALLORAN HILL	1,629	227,375	305	25	0
MITCHELL PARK	490	66,733	107	20	0
WARRADALE	191	26,569	42	16	1
OAKLANDS PARK	180	24,807	60	37	0
SUBURB (1999-2000)	No. of notices	Amount $	Camera hours	Injury Crashes	Fatal Crashes
OLD REYNELLA	1062	149,174	443	43	0
STURT	657	92,270	121	23	0
MITCHELL PARK	647	89,367	161	28	0
TROTT PARK	567	84,246	70	3	0
WARRADALE	588	81,817	125	17	1

GOVERNMENT NUMBER PLATES

4. **The Hon. G.M. GUNN:**

1. Why are vehicles equipped for speed detection not using state government number plates?

2. Why are speed detection signs occasionally not placed in more prominent positions?

The Hon. R.L. BROKENSHIRE: I have been advised by the Commissioner of Police of the following information:

1.Speed camera vehicles and operators have been subject to high levels of abuse, both physical and verbal. Private plating was one of the occupational health and safety issues considered when the operation of speed cameras was transferred to civilians.

2. Speed camera operators place signs out at all locations, unless it is an approved operation. As signs are regularly defaced or stolen they are chained to an immovable object (tree or telegraph pole). Signs are normally placed between 50 and 200 metres from the camera site unless restricted by non-availability of a suitable anchoring point.

HOSPITAL BEDS

6. **Ms STEVENS:** How many beds in metropolitan public hospitals are occupied by nursing home type patients and how many in country hospitals?

The Hon. DEAN BROWN: In the metropolitan area at 9.00 a.m. on Friday 13 October, 2000 a total of 162 patients were occupying beds in public hospitals awaiting placement in a residential care facility. Of these, 124 patients had been assessed by an Aged Care Assessment Team (ACAT) as requiring either high care (nursing home level) or low care (hostel level) care. 38 patients were still awaiting assessment, which was being attended to.

It is not possible to provide a response in the given time frame for country hospitals, as the appropriate data collection systems are not at this stage available centrally, although they are planned.

COURT OF CRIMINAL APPEAL

10. **Mr HANNA:** Has the Government considered legislation or any other policy response to the Court of Criminal Appeal's decision on 18 September 2000 to quash Harold Blobel's rape convictions on the basis of the alleged incompetence by his counsel?

The Hon. I.F. EVANS: The Attorney-General has provided the following response:

It is not clear whether the issue which has prompted the honourable member;s question is concern regarding appeals on the basis of alleged counsel incompetence or whether it is the question of alleged incompetence of counsel itself.

The case referred to by the honourable member was a case which turned very much on its facts. The accused was charged with two counts of rape, which were alleged to have occurred over the course of two nights. When the victim was cross-examined, it was put to her that on the first night there had been no sexual intercourse. Alibi evidence was put forward by the accused's counsel for that first night. However, when the accused gave evidence, he said that they had had sexual intercourse on both nights, but that it had been

consensual. As this clearly conflicted with the version of events that had been put forward by the accused's counsel, the trial judge suggested that defence counsel may wish to consult with the accused to confirm what the accused's instructions were. Counsel for the defence maintained the position that no sexual intercourse had occurred on the first night. On that basis, the trial judge told the jury that it may appear that the accused had changed his story and, if so, then the jury may believe that he had lied about everything.

I am advised that the DPP conceded the appeal, because it was apparent that the accused had at all times instructed his counsel that sexual intercourse had occurred on both nights but that it was consensual.

As regards appeals on the basis of alleged counsel incompetence, the government does not intend to make any changes to the current law. Any change would be contrary to public policy. It would lead to the potential for an innocent person to be convicted, perhaps imprisoned, with no recourse to an appeal, purely because counsel representing the accused acted incompetently. While generally such cases are rare, in those rare instances where a person accused of a criminal offence is represented incompetently, it is proper that that person should have recourse to an appeal.

In relation to the alleged incompetence of counsel, powers exist under the Legal Practitioners Act for disciplinary action to be taken against a legal practitioner who is guilty of unprofessional or unsatisfactory conduct. I am not satisfied that there is any need to expand these powers, which would appear to be sufficient.

The honourable member may be referring to the issue of barristers' immunity, which has received some publicity recently following the announcement of the Victorian Attorney-General that he intends to remove the common law immunity of barristers. This issue is on the agenda for the Standing Committee of Attorneys-General in mid-November. Consideration will be given to the issue in that context. However, it is not the government's intention to make any hurried decisions on this issue.

STATE HERITAGE LIST

25. **Mr HILL:** How many buildings have been added to the State Heritage list in 1999-2000, how many have been removed from the list, how many have been altered or destroyed illegally and how many prosecutions have arisen from this occurrence?

The Hon. I.F. EVANS: I have been advised as follows:

During 1999-2000 31 places were provisionally entered, 42 places confirmed and three places removed from the State Heritage Register. As at 30 June there were 2145 confirmed entries in the register.

Heritage South Australia is not aware of any places that were destroyed illegally and hence no prosecutions have been initiated.

'DIRECTIONS FOR SOUTH AUSTRALIA'

38. **Mr HILL:** What were the total preparation, printing and distribution costs for each of the 20 page government supplements to the *Advertiser* and *Sunday Mail* on 28 and 29 October; respectively, and from what budget line were the funds drawn?

The Hon. J.W. OLSEN: The total preparation, printing and distribution costs for the 'Directions for South Australia' annual insert in the *Advertiser* and *Sunday Mail* on October 28 and 29 were $187,289.02.

There was no separate costing for each publication as it was negotiated under one agreement (i.e., the above figure is the total cost for production and distribution in both papers).

Funding has been drawn through the Premier's Other Payments line (Promotion of the State).