LEGISLATIVE COUNCIL

Thursday 13 July 2000

The PRESIDENT (Hon. J.C. Irwin) took the chair at 11 a.m. and read prayers.

DISTINGUISHED VISITOR

The PRESIDENT: I draw the attention of honourable members to the presence in the gallery of the Hon. Michael Aird MLC, the member for Derwent, who is leader of the government in the Tasmanian parliament in the Legislative Council. I welcome him to the chamber.

STANDING ORDERS SUSPENSION

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

SOUTH AUSTRALIAN FORESTRY CORPORATION BILL

In committee.

(Continued from 11 July. Page 1583.)

Clause 15.

The Hon. K.T. GRIFFIN: I move:

Page 8—
Line 7—Leave out 'An' and insert:
Subject to subsection (4), an
After line 8—Insert:
(4) The corporation must not, in fixing terms and conditions of employment by the corporation, discriminate against employees appointed after the commencement of this act by appointing them on terms and conditions that are no less favourable than those applying to employees transferred to the corporation's employment in accordance with schedule 1.

The first amendment is the same as the Hon. Paul Holloway's, while the second is a variation of it. When we were discussing this matter in committee, the opposition's amendment proposed that any employees engaged after the date of the corporation coming into existence should not be discriminated against; that is, they should not paid less than or engaged on terms less favourable than those employees who are currently with the corporation.

The difficulty which I flagged at the time was that that did not give us the flexibility to attract to the corporation employees with specialist skills who might, in fact, be paid more than current employees, and my amendment seeks to add words which will allow that flexibility. So, the basic principle in the opposition's amendment remains, but it also provides, in a varied form, that there is nothing to prevent so-called discrimination—although I would dispute that it is discrimination—in favour of new employees who might have information technology or other skills and who could be attracted only by the offering of higher terms and conditions of employment—particularly salaries, superannuation, salary sacrifice, and so on. That is the essence of my amendment. I would hope that, because it recognises the basic principle that is reflected in the opposition's amendment, members might support it.

The Hon. IAN GILFILLAN: I feel that the Attorney's amendment is acceptable. We were certainly going to support the amendment of the Hon. Paul Holloway and would do so if there were no alternative before the committee. However, I think that the Attorney's amendment achieves the essential aim of the Hon. Paul Holloway's amendment and allows some flexibility in an upward range which may well serve as a ratchet eventually for all the employees to benefit from a more generous remunerative structure. I do not see any dangers in the Attorney's amendment, and there may be some benefits for all employees down the track, and I indicate our support for the Attorney's amendment.

The Hon. T.G. CAMERON: For reasons similar to those outlined by the Hon. Ian Gilfillan I support the amendment moved by the Attorney-General. Without the further amendment, I would have supported the amendment moved by the Hon. Paul Holloway.

The Hon. P. HOLLOWAY: The amendment that the Attorney has put in certainly is a big shift on the government's point of view, and I would welcome that. I still think that the amendment that I have moved is preferable in the sense that, if we are to employ new people with special skills and pay them at a higher rate, then presumably there are the same people doing jobs with those same skills existing in the department who will then be paid less—

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: If there are people with extra skills one would presume they could be employed on higher levels because of those additional skills. But I do not want to spend too much time debating the matter. We will persist with the amendment, although we will not divide on it. I am pleased that the government at least puts in this term, which ensures that there will be some comfort. Like the Hon. Ian Gilfillan, I would imagine that if employees with special skills are employed at higher levels then ultimately through the bargaining processes they may flow on to other employees, anyway.

Whereas I am reasonably relaxed about the government's amendment, I suppose there could be cases where, if people are employed on higher pay rates than existing employees, that may create problems. I would just hope that those people in this new corporation would use commonsense in relation to that and not let a situation develop where there are different tiers of workers. But, as I say, whereas we will persist with the amendment, we are pleased that the government has at least come up with this compromise situation.

The Hon. Mr Holloway's amendment negatived; the Hon. Mr Griffin's amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17.

The Hon. K.T. GRIFFIN: I move:

Page 9—Insert new clause as follows:
Payment of amounts equivalent to rates
17. (1) The Corporation must, in respect of commercial forest land, pay amounts in accordance with this section that are equivalent to rates that the Corporation would, if the Corporation owned a freehold estate in the land and were not an instrumentality of the Crown, be liable to pay to a council in respect of the land.
(2) Half of an amount payable under this section must be paid to the council in whose area the land is situated and the other half must be paid to the Local Government Association of South Australia (the Association).
(3) The time at which, and the manner in which, the Corporation must pay an amount to a council or to the Association under this section will be determined by agree-

ment, from time to time, between the Corporation and the council or the Association (as the case may be).

(4) The Association must distribute amounts paid by the Corporation under this section in the manner agreed, from time to time, by the Corporation and the Association provided that such amounts will be applied towards the maintenance or upgrading of roads affected by the Corporation's operations.

(5) If it appears to the Minister that the Corporation and a council or the Corporation and the Association are unable to reach agreement on any matter as required by this section, the Minister may determine the matter.

(6) Section 29(2)(b) of the Public Corporations Act 1993 does not apply in relation to the Corporation.

(7) In this section—

'commercial forest land' means land classified by the Minister (from time to time) as being managed by the Corporation for commercial purposes.

This relates to the issue of the payment of rates. The provision in the bill provides that the corporation is liable to pay rates. That is a direct responsibility under the Local Government Act. It is not an issue of taxation equivalents being paid and distributed as taxation equivalents; it is directly that commercial forests will be liable to pay rates under the Local Government Act, as though the corporation owned freehold estate in the land. Then there is a provision that a council must, after consultation with the corporation, apply half of the amounts received from the corporation in accordance with this section towards the maintenance or upgrading of roads affected by the corporation's operations. So what that really means is that the rates are spent within the council areas in which the rates are raised. Whilst one has a lot of sympathy with that, what it does mean is that ultimately that will not allow a strategic approach to be taken to roads within forestry areas, and it may be that there is a surplus in some areas that will not go to forest roads but, under this provision, will be kept in reserve.

It is obvious from the way in which rate equivalents have been raised and applied in the past that some councils in which significant amounts of rates are raised by arrangement apply smaller amounts of the rates to forest roads in those council areas. I am informed that ForestrySA and the Local Government Association have an agreement in place whereby council rate equivalents for commercial plantations are paid through the Local Government Association to the relevant local councils in the form of untied and road grant moneys.

This is the fourth consecutive two-year agreement. ForestrySA has made a payment of $684 815 to the Local Government Association for the 1999-2000 year. The Local Government Association will distribute half directly to the councils on a pro rata basis and will retain the other half—an amount of $342 407—for road infrastructure. The road funding is allocated to councils for the upgrading of council roads that service forest areas. There is only one restriction on how the road money can be spent, and that is that at least 10 per cent must be expended in non South-East and local councils.

There is a question about how the road money is divided between individual councils. On my advice, that is dependent on road infrastructure priorities and not on a pro rata basis. The funding is allocated by the Forest Roads Committee, which has five members, two of whom are nominated by ForestrySA and three of whom are nominated on behalf of the Local Government Association.

By comparison, the provision in the bill (clause 17) will require each individual council to consult with ForestrySA. Financially, between what is in the bill and what is in my amendment, there will be no impact on ForestrySA, as its local government rates will not change. However, there is a different approach taken as to how it is to be applied—that is, as a rates equivalent or as a direct levy of rates. My amendment deals with the rates equivalent regime, which is preferred by the government.

The significant change is that ForestrySA will make its payment directly to the relevant councils under clause 17 which was inserted in the House of Assembly, instead of making its payment to the Local Government Association, as is the current situation. It seems to the government that, whilst there is no denying that some rates or rate equivalents should be raised and applied on an equitable basis, there is a different approach. The government prefers the approach currently enshrined in the agreement and what is proposed to be enshrined by way of the amendment.

The Hon. P. HOLLOWAY: The opposition strongly opposes the amendment moved by the Attorney-General. This clause, which was the subject of considerable debate in the House of Assembly, was moved by Rory McEwen and supported by the opposition in that house. All members of this parliament would have received considerable lobbying on this issue from local government, particularly in the South-East, where most of our forest assets are located. The most recent correspondence that we received from local government is a fax which arrived shortly after the Attorney-General tabled his amendment.

The Hon. T.G. Cameron: What is the date of that?

The Hon. P. HOLLOWAY: It is 10 July, which was earlier this week. I will read the relevant part of the fax, which states:

The LGA wishes to advise that we continue to support clause 17—payment of rates—as it appears in the bill received from the House of Assembly. We do not support the proposed amendment filed by the Attorney-General, the Hon. Trevor Griffin, which is substantially the same as the amendment that was not supported in the House of Assembly.

The state government has not consulted with the LGA in relation to the amendment in the name of the Attorney-General. The LGA thought it was important to ensure that the position of local government on this matter was absolutely clear.

I am sure that members would have received a number of letters from councils, particularly those in the South-East, which support clause 17 in the form in which it arrived in this chamber. I do not think it is necessary to go through the entire debate; I said that it was the subject of considerable debate in the House of Assembly. The issues have been well aired. The opposition will continue to support the clause as it has come to us from the House of Assembly.

The Hon. IAN GILFILLAN: I indicate, similarly, that the Democrats will support the bill as it is presented to us and oppose the amendment. A comment I add to other arguments already presented is that it is a very messy formula which, with due respect to the Local Government Association, I predict will result in years of unproductive wrangling. The second point I make is that, if we are to view the South Australian Forestry Corporation as an independent virtually commercial entity, in our view there is no reason why it should not be expected to pay rates as does any other entity, and without any qualification on that.

The Hon. T.G. CAMERON: Like the Hon. Ian Gilfillan and the Hon. Paul Holloway, I, too, have been lobbied intensively over this issue. I received a couple of faxes from the Local Government Association, which set out its case fairly clearly. I think the Local Government Association's support for Rory McEwen's amendment is a telling factor in

the debate. Under the old system the Local Government Association was involved in the disbursement of funds.

The Hon. Ian Gilfillan has correctly pointed out that there has been unnecessary wrangling with the disbursement of these funds, which I see as an unnecessary level of bureaucracy. But, to the Local Government Association's credit, it has taken a position that means that it will no longer continue to play a role in the disbursement of these funds.

The Local Government Association has stated—and it seems to enjoy stating this in its correspondence—that the state government has not consulted the LGA in relation to the Attorney-General's amendment. I have dealt with the Local Government Association for over 20 years, and I do not accept that criticism. The Local Government Association is big enough to look after itself and is not backwards in writing to members of parliament or lobbying them (as the case may be) when matters come before this chamber.

Before arriving at a final decision on the matter, I took the opportunity last night to speak to Frank Brennan, the CEO of the Wattle Range Council. His plea to me was fairly simple: 'We want to be in charge of our own destiny when it comes to the disbursement of these funds. We know our local roads better than does the Local Government Association. It is an unnecessary inconvenience to have to go through these steps. What we would like is to have the money forwarded directly to us.'

It is important to point out in this debate that we are not talking about quantum. Whether the government's amendment is carried or the clause as amended by Rory McEwen in another place is carried, we are talking about the same quantum of money. I place on the record that I support one principle in relation to this matter. I have received a number of letters and faxes from the Alexandrina council, the District Council of Grant (and I think that I spoke to Don Pegler), and the Adelaide Hills council. One of the points that they make relates to whether or not government enterprises or government corporations should receive preferential treatment when it comes to the payment of council rates. If one takes into account national competition policy in terms of equity, I support the principle that government-owned enterprises or corporations should pay council rates and, consistent with that, SA First believes that those rates should be paid direct to the corporation.

My initial reaction to the amendment that Rory McEwen moved was that it was a bit of South-East pork-barrelling and that the honourable member was shoring up his position ready for the next election battle. Following the discussions that I have had with people such as Frank Brennan and having looked at all the correspondence that has been sent to me, I am somewhat puzzled why the government is hanging on to its original position. It is quite clear that everybody—the Local Government Association, all the political parties, all the Independents, even the Democrats—have signed up on this one. I am rather puzzled why the government is not stepping aside and letting this one go straight through to the keeper.

Nothing that the Attorney-General said in his submission dissuades me from the view that I have adopted. I will support the amendment moved by Rory McEwen. It puts all councils—not just the South-East councils because the Adelaide Hills council is similarly affected—in charge of their own destiny and it makes them directly responsible and accountable for the spending of those funds and it is consistent with the ACCC ruling. They should be allowed to do it. It is as simple as that.

The Hon. K.T. GRIFFIN: In so far as national competition policy is concerned, both amendments deal with the issue in the same way. The measure provides for rates declared on the land. The amendment that I am proposing in its first subclause proposes rate equivalents, and it should be said that up to now rate equivalents have been paid. There is nothing inconsistent in my amendment with the competition policy principles, because the forestry corporation pays rates or rate equivalents. There is no difference.

The Hon. T.G. Cameron: I concede that. It is not about quantum, is it?

The Hon. K.T. GRIFFIN: It is not about quantum and it is not about competition. It is about the way in which the money is divided up.

The Hon. T.G. Cameron: The Local Government Association and the councils agree.

The Hon. K.T. GRIFFIN: I acknowledge that there seems to be a significant weight of opinion, both in this place and outside, in favour of the way in which the rates are raised and expended under the provisions already in the bill. I acknowledge that. Strategically it means that there may be some councils where roads are more than adequate, raising larger amounts that previously might have been put towards a strategic approach to development of forest roads and their maintenance, and they will have super-duper forest roads and others may miss out. It is acknowledged that there is a sense of cross-subsidy in the existing arrangement. I can see that this amendment will not get up and I indicate that I do not intend to divide if I lose it on the voices.

Amendment negatived; clause passed.

Clause 18, schedules and title passed.

Bill recommitted.

Clause 15.

The Hon. K.T. GRIFFIN: I move:

Page 8, line 3 of subclause (4)—Delete the word 'no'.

In my haste to deal with subclause (4), I indicated that a word had been omitted and I misunderstood that on the run, and I apologise for that. I sought to move it in an amended form to insert the word 'no' before 'less favourable' but that would result in a double negative, so the way in which the amendment was originally circulated was correct. It should read:

The corporation must not, in fixing terms and conditions of employment by the corporation, discriminate against employees appointed after the commencement of this act by appointing them on term and conditions that are less favourable than those applying to employees transferred to the corporation's employment in accordance with schedule 1.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the House of Assembly's amendment.

(Continued from 12 July. Page 1664.)

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendment be agreed to.

When we were debating the issue, some concerns were raised about the change from 'manager' to 'responsible person', particularly in relation to the use of minors to supply or serve liquor on licensed premises. I undertook to give some consideration to that, because it was acknowledged that, by extending 'manager' to 'responsible person', there were a lot

of responsible persons who did not live on premises and that that might open up a fairly wide range of people whose children could work on licensed premises, even though the responsible person did not live on those premises. What we have sought to do in the amendment is to provide something akin to what is in the current act: that is, if the licensee or a responsible person is resident on the premises, it is okay for the minor of or above the age of 16 years to be employed. That will accommodate the small country hotel or small club.

However, we felt that there may be circumstances which we had not properly identified and addressed where, for example, there might be a country club where the licensee or a responsible person lived off the premises but with perhaps the sole operator, manager or responsible person, and so what we believed was important was to give the licensing authority on application a power to approve the employment of the minor for that purpose. But it is limited to those circumstances where the child is a child of the licensee or a responsible person for the licensed premises. We could not think of any other way to quickly accommodate that potential area that we might have adversely affected: that seemed to be the appropriate way to do it.

The Hon. CARMEL ZOLLO: I indicate support for the Attorney's amendment and thank him for addressing this issue and moving the amendment. In relation to the section that allows a licensing authority the discretion, will the Attorney, for the benefit of the chamber, explain where this discretion would need to be used?

The Hon. K.T. GRIFFIN: It is section 107 of the principal act, which provides:

> If a minor is employed to sell, supply or serve liquor on licensed premises, the licensee is guilty of an offence.

Subsection (2) provides:

> However, this section does not prevent the employment of a minor to sell, supply or serve liquor on licensed premises if the minor is of or above the age of 16 years and is a child of the licensee or of a manager of the licensed premises.

Even now under the act it is not required that the licensee or the manager should live on the premises. What we were trying to do was to mirror that because, with smaller clubs or smaller hotels in country areas, licensees, managers or responsible persons might not now live on those premises. We wanted to try to accommodate the fact that we are now limiting this to the children of a licensee or a responsible person living on the premises, but we also wanted to try to accommodate any of those other cases which might now be disqualified where under the present act they are authorised.

Motion carried.

SUMMARY OFFENCES (SEARCHES) AMENDMENT BILL

Consideration in committee of the House of Assembly's amendments.

(Continued from 5 July. Page 1494.)

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendments be agreed to.

Under the bill a video recording will be made of a search or of the written record of a search being read aloud to a detainee. While the bill provides that a video recording made under the section can be played to the detainee and/or his or her legal adviser, the detainee is only entitled to obtain a copy of the videotape of the search. This is an oversight. The government believes there is no justification for allowing the detainee to obtain a copy of the video recording but not allow that person to obtain a copy of the video recording of the written record of the search being read aloud. The other issue relates to providing a person who carries out a search with indemnity against civil or criminal liability. That was also something which we overlooked at the time.

Motion carried.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 July. Page 1662.)

The Hon. R.I. LUCAS (Treasurer): In speaking to the second reading of the bill, I want to make some general comments. Given the number of times that we have discussed this issue over the past seven or eight years, but particularly in the past two years, honourable members in this chamber will not be surprised that, in general terms, my views in relation to poker machines are well known in South Australia. I supported the introduction of poker machines back in 1992 or 1993—whenever it was—on a conscience vote. Nothing that has occurred in the past six or seven years has changed my view should we have to make the same decision again in the year 2000.

Certainly, developments have occurred which mean that governments and communities do need to tackle a number of issues in relation to, in particular, managing the problems of the 1 or 2 per cent of people who are problem gamblers and people affected by them. And in the October session, we will have a further opportunity to debate a number of options that the Hon. Mr Xenophon and other members have flagged in terms of those issues.

The government, of course, has announced a $500 000 funding boost for gamblers' rehabilitation to be funded out of the profits made or revenues received from the other gambling providers—the Casino, the TAB and the Lotteries Commission. The government has accepted the view that there should be some contribution from those industries towards gambling rehabilitation. So far, the onus has fallen on the shoulders of the hotel and club industry, through gaming machine gambling, to fund gamblers' rehabilitation. The government has accepted the view that the other gambling providers should make their contribution, and this budget has announced a $500 000 funding boost. My views on that matter are pretty well known and, whilst we have not discussed it that often, my views in relation to a potential cap are also probably known to members—that is, that I do not support a cap—and I intend to outline the reasons why I do not believe that a cap should be introduced.

I want to make some general comments in relation to how we have arrived at this position. The bill that this chamber has before it, frankly, is a dog's breakfast. It was cobbled together late Tuesday evening and in the early hours of Wednesday morning. Amendments to amendments were being moved left, right and centre by members in another chamber, many of whom did not understand the import of what was being done and the implications of some of the amendments that were being moved. Should we reach the committee stage of this debate, a number of significant issues will have to be resolved in terms of the drafting of the amendments as a result of, as I said, the dog's breakfast that we have before us—as a result of people coming from left field, centre field, right field all at the one time and moving

amendments, without any group of people (hopefully, the majority) having some idea of what the coherent whole of the bill would look like in the end. I want to address some of the aspects of those bills—in particular, the sunset clauses and the aspects of the review which, clearly, have not been properly thought through by a number of people.

I know that a number of members from the House of Assembly have described this as a dog's breakfast, or a concoction created by a committee. So, it is not a phrase first developed by me: it certainly was the description of House of Assembly members—and, I might say, both Labor and Liberal—who have come to me and to others, I know, saying, 'You will have to try to sort out this mess in the Legislative Council.'

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott says, 'We are used to that', and perhaps that is the case. What I also know is that a number of members—again, both Liberal and Labor (and without fear or favour can I say this)—have said to me that they do not believe in the bill, even though they have supported it. They have adopted their position for the political judgment and circumstances of their electorate. A number of them have said to me, 'We hope that the Legislative Council can sort it out. We know that it does not make much sense. We do not personally support it, but the politics are such that we felt that we really had to vote for it.'

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I am talking about Labor and Liberal members. I have not had a discussion with the Premier about this bill in relation to his vote since Tuesday. I have no truck with people such as the Hon. Mr Xenophon, who was elected on a platform of something he genuinely believes. He has been pretty consistent in relation to the issue, even though I strenuously disagree with his view on it.

The Hon. Nick Xenophon: And you have been consistent as well.

The Hon. R.I. LUCAS: I have been consistent as well, to be fair. We could have a mutual consistency pact between the Hon. Mr Xenophon and me. I have no dispute that people genuinely hold the views that they hold but, as I said, I have been spoken to by members on both sides, Labor and Liberal, who have expressed the view that this piece of legislation—in their words, not mine—was tokenism, that it would not have any impact in terms of problem gamblers and that, ultimately, they adopted their position because of the pressures that they perceived from the electorate and/or sections of the media. That is an attitude that I disagree with.

I recall that my very first controversial vote in this chamber was on the Casino. Along with, I think, one or two of my colleagues, I voted with, I think, all the Labor members to ensure—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: One of them, was it—the Hon. Diana Laidlaw. I voted to ensure that the Casino came to South Australia. It was exactly the same issue—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No. I think anyone who says that the Casino has not been a major boon and boost to our tourism and hospitality and entertainment industry in South Australia is, frankly, deluding themselves. I remember that debate, and I highlight it, because it is not much different from this one. There were many members of parliament—at that stage mainly on my own side of politics—who privately supported the Casino but, because of the particular views of the community and the media at the time, voted against it. They believed that it would be good for South Australia and they wanted to see it through the parliament but they were not prepared to put up their hand and vote for it because of the pressure from their electorate. It was not a personal view that they held; it was not a considered view that, in the best interests of the state, we should not have the Casino. It was a judgment that they had made in relation to their electorate that we should not proceed. If we had listened to that, we would not have had a casino here in South Australia from whenever that was—1983 or 1984 onwards.

I know to this day that some of the people (and three in particular) who were the most trenchant public critics of the Casino (because some of those people just stayed quiet and voted) were the first people over to the Casino on a weekly basis afterwards, after parliament rose, to participate in the Casino. After 17 years, I can say that, having voted for it, I still have not invested a dollar of my own money in the Casino in terms of gambling—although I can certainly say that my wife has occasionally had the enjoyable flutter there.

I just highlight the point that, really, nothing much has changed in 17 or 18 years in this parliament: when there are hard decisions to be made in relation to some of these controversial issues, even though some people make the judgment that it is in the best interests of the state—or they would like to—and that is their personal view, they find themselves not in a position to be able to vote in accordance with their own conscience. They make a judgment in relation to their own local electorate. That is the great advantage of having a Legislative Council—and I take the opportunity to say so: at least members of the Legislative Council have an opportunity to look at these controversial issues from a whole-of-state perspective. They are not bound to the views of their 20 000 electors. One member said to me, 'I have 8 000 Methodists in my electorate (or whatever it is): how am I going to vote for a particular issue, even if I think it is in our best interests?'

The great advantage of an upper house, or a house of parliament like an upper house, which has a whole of state franchise means that you can make those judgments and, whilst you have to accept the criticisms of the media and the churches and the others, as we did in relation to the Casino in 1983, you can make decisions in the best interests of the state and, frankly, 17 or 18 years later most people look back and say, 'Well, who would not have supported the notion of having a casino here in South Australia at that stage?'

That view that I expressed then is the same as the view I expressed in relation to the option for 98 or 99 per cent of gamblers in South Australia who can gamble and enjoy a recreation or entertainment without causing any grief to themselves or their family or their friends, that we have allowed that option and we should continue to allow that option, but we need to do more for the 1 or 2 per cent who cannot control themselves or their addiction or their problem in relation to gambling. There is no difference of opinion from any member in this chamber, I suspect, that the community, the parliament and the government must do more in relation to that very small number of persons who have a problem with gambling, whether it be gaming machines or any other form of gaming.

So, as I have said, what we have before us is a dog's breakfast, freely described by lower house members as a dog's breakfast, and freely referred to by both Labor and Liberal members in saying to us, 'Whatever you do, try to sort it out in the Legislative Council in the time that is available.' The first I knew—and there has been some

genuine misunderstanding about this, as I understand it, so I make no personal criticism of people—that we were expected to vote on this by today was Tuesday at dinnertime, when I was having a discussion about another unrelated bill when this issue was raised with me in the context of, 'Well, I am prepared to support a particular view on the understanding that this legislation will be considered, one way or another, in the next two days.'

There is a lot of criticism, and I can accept that, that on occasion in relation to both government and private members' legislation we do not have enough time to consider it. I accept on behalf of the government that on occasions that has occurred. Generally, if it is controversial I cannot recall occasions where less than 48 hours has been given to a chamber to push something through one way or another. Where there has been an issue in relation to which there is general agreement that something has to occur, oppositions and governments might have, grudgingly, proceeded with something very quickly in the interests of trying to resolve it. But generally there has been at least a week's notice so that people over a weekend can work their way through what their view will be on a particular issue—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott might want to come back on Tuesday but I can assure him that he will not be coming back with me. The Hon. Mr Elliott can come back and sit by himself in the chamber and twiddle his thumbs and do whatever else it is that he does in private, but I can assure the Council that I am not going to be here with him on Tuesday.

Members interjecting:

The Hon. R.I. LUCAS: On Tuesday I will be in Sydney, but I will be speaking at a conference. I am not travelling overseas, Mr Cameron, if that is the import of the question. Speaking on behalf of most of my colleagues—and I am sure there are one or two who will make their views known more strongly than I about the shortness of time—it depends on how far this bill progresses. Certainly, if this bill reaches the committee stage then this chamber and the other chamber will have to work out how many hours and how long we are prepared to sit in order to sort it out, because it is a dog's breakfast.

The Hon. Mr Xenophon, either directly or indirectly, is having a series of amendments moved. I understand that the Hon. Mr Elliott circulated last evening some amendments. I know that at least one or two of my colleagues have said that if this gets to the committee stage we have not yet had an opportunity—they did not get the bill until yesterday evening, I think—to either consider it or consult with Parliamentary Counsel in order to move a series of amendments that we believe we need to move—

The Hon. Carolyn Pickles: Or to consult with the public.

The Hon. R.I. LUCAS: Or to consult—forget about consultation with the AHA, although it will be in here, obviously, but hoteliers—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: And racing, and whoever else. Should this bill actually come out of this chamber, and it is my fervent desire that it does not, then, of course, it will be in a radically different form from the perceived wisdom of the House of Assembly, which is supporting a retrospective aggregate cap going back to March, in terms of the way it wants to see this implemented. We would then have a situation where this chamber would have a different view, and the Assembly would have to further consider its view, either insist on it or agree or come up with some other compromise. But I am told that the vote was overwhelmingly 26 to 16 or 15 for a retrospective aggregate cap going back to March. So there would not appear to be too much room for movement, given such a comprehensive majority from Assembly members in relation to their view as to what needs to be done on this issue.

We would then, of course, need to look at the way we are going to handle a conference of managers between the houses. This is going to happen sooner or later, because I suspect eventually when we consider the Hon. Mr Xenophon's bill in October-November that, if anything gets out of this house, ultimately this house will have to work out how we are going to handle a conference of managers on a conscience vote issue on a matter such as this.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: I am strongly behind you on clocks, Mr Xenophon. You have won me over there. The notion of how we would then select our five managers, given the 22 different views in this chamber and how the Assembly would select its five managers, given the 47 different views in that chamber, or something less than that, is an interesting notion in itself. But it may well have to be done. In my view, it would have to be done in the context of having more than 24 hours to sort out how we are going to manage that sort of process. If we have a dog's breakfast now, the whole notion of trying to work out a conference of managers and a resolution in the next 24 hours is just guaranteed to be a dog's breakfast in the future.

It is rare that I adopt the position in this chamber of opposition to a piece of legislation at the second reading. I generally adopt the principle that others adopt, namely, 'Let's have the whole debate and ultimately resolve it.' There have been a number of occasions, of course, in recent history where the government has comprehensively lost legislation at the second reading, I think in relation to voluntary voting on a number of occasions, and in recent times there have been one or two others, where we have not progressed—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: With the GST on building workers a number of members last evening voted in relation to that. I am not entering that debate but, as a principle, a number of members did make the decision that the GST building workers debate should not progress beyond the second reading, and indeed it has not. As I said, the general principle that I adopt and most members adopt is that we encourage further debate, but on some issues, such as GST and building workers last night, voluntary voting, and a number of others, the decision has been taken. I will talk about the matter of principle in a moment in relation to a process issue. I know there are some members who will vote against a cap when the bill comes out of the third reading. They are implacably opposed to a cap or implacably opposed to this retrospective aggregate cap that has been put here.

But in terms of how we sensibly manage this dog's breakfast of a piece of legislation, my suggestion is that we do not endeavour to do this in the next 24 hours. I know there are some members who are sympathetic to a version of a cap. Some members will not support retrospectivity but might support a cap in the future. One member has told me that they are prepared to look at the Kennett type cap, which is what I call a soft or flexible cap, where he placed a cap something above the level that existed in Victoria at the time and therefore there could be managed growth until that level.

The Hon. T.G. Roberts: That was a hand intervening.

The Hon. R.I. LUCAS: A hand intervening? I'm not sure what was meant by that, Mr Roberts?

The Hon. T.G. Roberts: It wasn't cap in hand.

The Hon. R.I. LUCAS: Okay, a cap by another name. Another member has indicated that, whilst they are not supportive of an aggregate retrospective cap, they might be prepared to have further discussions in this chamber and with other members about regional caps, which is the thinking that is going on in the Victorian parliament in terms of regionally based caps.

All these issues can be revisited by this chamber in October or November when we work our way through the Hon. Mr Xenophon's gambling regulation legislation, together with other things. With regard to process, unless members are prepared to commit a significant amount of time—because I can assure them, given the views that I have heard from other members, that this will not be resolved easily, painlessly and quickly—and to resolve the debate at an early stage—and I am suggesting the second reading—then we will all need to pack our sleeping bags and hunker down for what will be an extended period of discussion.

The Hon. R.R. Roberts: I'll need a pair to go to the trots.

The Hon. R.I. LUCAS: You've got to go to the trots? The Hon. Mr Roberts is going to the trots. Knowing the way he will vote, I might be happy for him to be out of the chamber: we might be prepared to accommodate him. I suggest that he take one or two other members to the trots with him: that might solve a few of our problems.

The Hon. L.H. Davis: Another form of gambling!

The Hon. R.I. LUCAS: Another form of gambling, which is all right. As I said, in terms of process, I strongly urge opposition to the second reading. Regarding the key features of the bill, and having discussed it with my colleague can I assure members that my colleagues are telling me to canvass many of the detailed issues. I can assure the Hon. Mr Xenophon and others that we will not unnecessarily extend the second reading discussion but, given that there has been only 36 hours my colleagues will be pleased, I am told, to hear from me about some of the aspects of the legislation. I will place that on the record, so that they can talk generally about the general principles and the process as well.

One of the key reasons many others and I oppose a cap—and I guess in my case it is because I do not have a problem with gaming machines—is the gift that we will give to the existing owners and operators of licences. In essence, what the parliament will be doing—whilst I have great respect for Mr Hurley, Mr Saterno and others who are prominent in the gambling and gaming industry—is saying, 'Please accept with our kind regards a gift on behalf of the people of South Australia of an additional considerable increment to the value—'

The Hon. T.G. Roberts: Hello, they've already got it.

The Hon. R.I. LUCAS: They have it: but, hello, it will be more significant in the future.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. R.I. LUCAS: I remind members of what occurred with fishing licences—

The Hon. R.R. Roberts: I agree with that.

The Hon. R.I. LUCAS: The Hon. Mr Roberts says that he agrees with that. I remind members of what occurred with fishing licences, when governments of both persuasions decided to limit entry to an industry to a select number of people. I ask the honourable member what it costs to get an abalone licence, a prawn licence or a crayfish licence. I am not the expert—

The Hon. T.G. Roberts: A taxi licence.

The Hon. R.I. LUCAS: Or a taxi licence, if we were not talking about the fishing industry.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Yes, they are different, but the principle remains the same: if you limit entry to those who currently exist in an industry, those people who can get a licence have a business valued much higher. I challenge anyone who wants to adopt a different position on this to argue their case. If I own a hotel with 40 machines in Elizabeth and there is no-one within 10 kilometres of me, and I can guarantee that nobody else will be issued a competitive licence against me within that catchment area, the value of my licence for those gaming machines has to be higher than where I cannot guarantee that competition can move in and compete with me, whether that be a hotel or club, or a hotel that has an increase in machines.

What we would be doing as a parliament is saying to Mr Hurley and Mr Saterno—and I make no criticism of them—and to the hoteliers and club owners is, 'Here is a gift from us to you of extra value when you come to sell your business, whether it be a hotel or whatever.' I do not believe that we, as a parliament and as a community, should make that gift to the people who currently own the licences. That is not a decision that I believe we should take. It is one of the passionate reasons why I believe that we should not—

The Hon. T.G. Cameron: This is your opinion, though.

The Hon. R.I. LUCAS: It is; it is my opinion. But as this is a conscience vote, and as the Hon. Mr Cameron is sure to acknowledge, my opinion is worth no more than the opinion of each and every other one of my colleagues in this chamber. I am but one vote out of 22, and I acknowledge that it is only my opinion and it is only one vote. I think the issue—

The Hon. T.G. Cameron: Get some evidence for your opinion, then you might get support for it.

The Hon. R.I. LUCAS: I am happy to provide evidence in relation to what has occurred in the fishing industry. I am sure the Hon. Ron Roberts would be able to talk about prawn and other licences and the value thereof in his contribution. The second issue that has been inserted into the legislation—although I understand there is to be a further amendment—is that we are to have a dog's breakfast of a review which is to cover smoking, flashing lights—

Members interjecting:

The Hon. R.I. LUCAS: I do not know whether we are reviewing clubs. I am not sure what was in the minds of members; I think it was supported 30 votes to 10. Obviously, this was an easy issue for House of Assembly members to cotton on to. Anything which says, 'Let's have a review', the House of Assembly will be right into. So, we will have a review. There was a rock solid majority that we should look at smoking, lights, machines and a whole variety of—

The Hon. T.G. Cameron: What's that got to do with the cap?

The Hon. R.I. LUCAS: That's a very interesting question; you might ask that of the members in the House of Assembly: what has that to do—

The Hon. T.G. Cameron: I have read the debate and I am no wiser.

The Hon. R.I. LUCAS: I am no wiser and I have read the debate, too. We are all inquiried out in relation to gaming machines. We have had Productivity Commission inquiries and other inquiries around Australia and the world in relation

to these issues. For the life of me, I am not sure why the vast majority of House of Assembly members want to jam another inquiry into the legislation. As I said, I understand that there has been a rethinking of this now as the legislation has gone between the House of Assembly and the Legislative Council, and that there may be some amendments moved to change the structure and nature of the review period.

Some bright spark then had the idea of inserting a sunset clause—but a sunset clause expiring next June or July. Again, this was supported by an overwhelming majority—I think about 26 to 16 or so. Even though I do not support a cap, the whole notion of introducing a cap and then having it expire in June next year is ludicrous. There is no way in the world that any government or parliament, once it institutes a cap, will lift that cap nine months before an election. If people are nervous now, two years out from an election, what are they going to be like nine months before the next state election?

Members interjecting:

The ACTING PRESIDENT: Order! There is too much noise in the chamber.

The Hon. R.I. LUCAS: If a cap is applied, members should not be deluded by the fact that inevitably the sunset clause will be rolled out or extended by another year, two years, or whatever it might be. We are not voting for a nine month or eight month cap: this is a vote about whether or not we want a cap permanently on poker machines in South Australia.

If we get to the committee stage, a number of technical issues will require extensive discussion and debate. We must try to find out what drove the House of Assembly, firstly, so we know what was intended, and then we have to decide whether or not we will approve it. The bill contains an extraordinary provision in relation to regulatory-making power. Under the bill, this parliament would have to vote on every major development, such as Holdfast Shores, Mawson Lakes or Innamincka golf club, whatever—

The Hon. L.H. Davis: The Democrats will be frothing at the mouth.

The Hon. R.I. LUCAS: They will love it, because they will be able to stop everything. It is perfect for the Democrats, because they will be able to stop everything. The provision relates to every development that relies on gaming machines. Holdfast Shores is a perfect example, and we know the views of Mr Elliott on development at Holdfast Shores, in particular. Under this monstrosity that has been concocted, every proposed development will have to come before parliament by way of regulation. On day one, the Hon. Mr Elliott on behalf of the Democrats will move disallowance of the regulation for a development and, if the Democrats and the opposition of the day happen to hold sway, a whole series of these will be prevented from proceeding.

The Hon. L.H. Davis: It will be a developer's nightmare.

The Hon. R.I. LUCAS: As the Hon. Mr Davis said, it will be a developer's nightmare but it will also be a nightmare for the state in terms of being able to manage the process. Should we get into the committee stage, there will be a very intensive debate about whether the drafting of the legislation is to be supported by members in this chamber. Therefore, I do not intend to go through all those technical defects in the second reading debate. I have spoken in the broad about those major issues so that at least they have been raised.

I acknowledge that some members in this chamber are sympathetic to some version of a cap but they have said to me that they will not support this retrospective, aggregate cap. If we are to resolve that issue, the appropriate opportunity will be with the Hon. Mr Xenophon's bill, which will be debated when next we come together in October. I give a commitment that we will try to bring the gambling regulation bill to a head before the end of the next session, so if there is a conference of managers, however that will look, it will not meet in the last days of the session but early enough in the session so that we can sensibly work through this difficult process, given that it is a conscience vote for members.

The Hon. T. CROTHERS: Now that I have got to my feet, the only thing that I can say is, 'Let me at 'em.'

The Hon. R.R. Roberts: What? The poker machines?

The Hon. T. CROTHERS: The people without consciences.

The Hon. R.I. Lucas: This is a bill from an Independent member in the lower house. You know what your views are about them.

The Hon. T. CROTHERS: I do.

The Hon. R.R. Roberts: Put them on the record.

The Hon. T. CROTHERS: They are on the record.

The Hon. T.G. Roberts: Let us all hear them.

The Hon. T. CROTHERS: You have heard them before and I do not want to be accused of prolixity, Comrade Roberts. This bill concerns capping on poker machines, but we already have a cap on poker machines in this state, and it is known to posterity as the Weatherill amendment. When the bill to permit poker machines first came before parliament, in his wisdom (and I think he was right, although he had to convince some of us to support him), the Hon. George Weatherill moved a capping amendment to limit all premises, with the exception of the Casino, to 40 machines. I understand that this bill stands in the name of a country member, Rory McEwen, from the South-East. That is a prime tourist centre for this state.

The Hon. M.J. Elliott: They all go down there to play the poker machines, too.

The Hon. T. CROTHERS: Either that or they go to Wentworth. The Hon. Mr Elliott said that they go there to play poker machines. Before we had poker machines here, money was moving out of this state over to Wentworth, over to the triangle on the Victorian-New South Wales border. Don't tell me they won't do that again! So much for the cap! That is your answer to the cap.

The Hon. A.J. Redford: Broken Hill.

The Hon. T. CROTHERS: Broken Hill as well, yes.

The Hon. L.H. Davis: The Democrats are known to have caught buses to Wentworth.

The Hon. T. CROTHERS: It is a pity those buses came back. I want to deal with an industry that I know better than any other man or woman in this chamber or in the other place, and that is the hotel industry. I was intimately connected with that as a worker in the industry, when I was a casual barman in Victoria, as a shop steward in the industry, as an organiser for the major union in the industry, and as a member of that organisation's national executive and national council, seeing the whole of Australia as opposed to the parish pump parochialism of seeing only South Australia through myopic, uncaring eyes.

The Hon. T.G. Cameron: You are not suggesting that you spent a bit of time in pubs, are you?

The Hon. T. CROTHERS: I did that, too, on both sides of the job. An all-round experience, I might say.

The Hon. L.H. Davis: We had noticed.

The Hon. T. CROTHERS: I know that you would see things like that.

The ACTING PRESIDENT: Order! The honourable member should ignore interjections.

The Hon. T. CROTHERS: I shall, but it is extremely difficult when one is addressing a matter as serious as this. The Weatherill capping amendment was carried in this place on a past occasion almost without dissenting voice, and it too was a conscience vote. Again to paraphrase the words of Dr Johnson, 'Oh, conscience vote! What foul deeds are done in thy name.' If anyone wants to see self-interest surface in MPs, they should observe a conscience vote. There are a few of us—dare I say it like myself—who endeavour to address matters in a meritocratic way.

The Hon. T.G. Cameron: You now have the freedom to do so.

The Hon. T. CROTHERS: Exactly, and I am going to exercise it. If you want me to have that freedom, stop interjecting, Mr Cameron. I understand the well intentioned meaning of the member who introduced the bill. I well understand that, but by heavens my conscience will let me do no other than to violently disagree with him, and I will explain why.

Prior to the introduction of gaming machines into this state, the *Government Gazette* was showing numerous transfers of hotel licences—which, in those days were 606 extant in this state, give or take one or two, and many of them in country areas (where the member from another place comes from)—because publicans could not make a go of the hotel industry. There had been an explosion, a proliferation, of other forms of licensed premises under the Dunstan government, namely, the clubs and restaurants. I have put that on the record again and again, but people seem to ignore that honest point of view that I put forward for their consideration. In the liquor trades union we used to get copies of the *Government Gazette*, which I think is published each month—

The Hon. R.I. Lucas: Weekly.

The Hon. T. CROTHERS: Well, I think we looked at it monthly. Each month there were listed, as is the requirement of law, proposed transfers of licence in the hotel industry, and there were no fewer than 25 to 30 each month. In other words, out of 600, something like 260 per year were being transferred, sold or even closed down. Many of the hotels in this city did close down, such as the Supreme Court, the Gresham, the John Bull and many others which, at this stage, I cannot remember. I was the city square mile organiser and there were 72 hotels in the square mile at the time, and I can think of at least 10 or 12 of them that closed because they were not viable.

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: I can think of a few that had deep cellars, Comrade Cameron, which could be useful at the moment. They were closing at a great rate of knots. Little towns such as Kapunda where, if you count the pub at Allendale, from its copper days, had five hotels: all ailing, and just struggling to keep their head above water. That is why the private members' bill in respect of poker machines was introduced in this chamber because, without that legislation being carried, we would not have a viable hotel industry in this state.

People have to understand the topographical layout of the state and its geographical size in respect of tourism. Sure, it was true, there were some little spots such as the motel at Wilpena Pound that had a grasp or a monopoly on the tourism beds and they were doing quite nicely, but they were the extreme exception rather than the rule. Thus it was, with the Weatherill capping amendment, when that legislation went through, the value of hotels that people would have given away suddenly increased, as the Treasurer said, because there was the ability to apply for a gaming licence and return hotels to very comfortable viability. I do not apologise to anyone for that, because hotels throughout the state, particularly in country areas such as the South-East—with its huge motel complexes being the border post for people who are transient from other eastern states into South Australia—are doing fairly nicely indeed.

In fact, the hotels in places such as Mount Gambier, which also offer accommodation, are now viable once again because of this parliament's courage originally to grasp the nettle and introduce the concept of the legality of poker machines in this state, instead of having them being run illegally up in some mushroom tunnel in the Adelaide Hills or some fourth floor garret room in the bowels of the Hindley Street complex—

The Hon. T.G. Roberts: I haven't visited that one!

The Hon. T. CROTHERS: Only twice.

The Hon. T.G. Cameron: They must have been serving liquor there: that is why you went.

The Hon. T. CROTHERS: You will get a serve in a minute and it will not be liquor. If poker machines are capped again, do members think that we will continue to see new hotels providing accommodation and employing people being built in Adelaide? Of course not. At the moment we probably have too many accommodation hotels. However, it is wonderful to know that, when we hold special events—because this parliament had the foresight to make hotels viable in terms of accommodation, liquor or food—we have the bed capacity which renders us almost the premier capital in Australia in terms of conventions. We are Australia's convention capital thanks to the activities of Bill Sparr, a very good man—and dare I say it, a very good personal friend of mine from his days with the HA—and a man knowledgeable in the tourism industry. We have all these special events coming and we are prepared for them because of the viability that poker machines provide to those accommodation hotels in their off season.

One used to have to run on a year's average of some 65 per cent occupancy in accommodation hotels before one got into profitability. I assure members that, in the off season, the margin of accommodation even in the biggest of accommodation hotels such as the Hyatt, which have package tours coming in and out all the time, used to fall to as low as 25 and 28 per cent—and they were struggling, too. The accommodation hotels that then existed here such as the Hotel Australia, the Grosvenor and even the Travel Lodge on South Terrace, used to have to struggle and battle in the tourism off season. Those are facts: they are not something I have plucked out of the air for the purpose of enhancing my contribution in this debate, as other members will do and have done—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: I am never guilty of exaggeration; only when it suits me. As Samuel Goldwyn Mayer said, 'That contract I've just signed ain't worth the God damn paper it's written on.' So an exaggeration on my part falls into the same category. Those are all matters of considerable importance. If we cannot provide proper accommodation in the far-flung reaches of our tourist empire such as the West Cost and Mount Gambier—and we have some very good tourist attractions such as the Adelaide Hills, the Barossa Valley, and the Clare Valley—for the people who tour from out of this state, who visit these regions and who spend their money elsewhere in this state, then our tourism industry will

go back to where it was—doomed—and we will become Australia's rust bucket state in respect of tourism.

Is it not nice in this year when we are some two months away from the Olympic Games that we are able to provide Hindmarsh oval and some of our excellent training facilities to the athletes of other nations who stay in Adelaide for a month to become acclimatised to Australia? The Hon. Julian Stefani would know the importance of that in running events and so forth—

The Hon. T.G. Cameron: And enjoy the soccer stadium.

The Hon. T. CROTHERS: I did not say that, but I am sure they will, because it is a very good facility and very necessary. My colleague opposite may not agree, but it is very necessary. I talk as one who used to play soccer.

An honourable member interjecting:

The Hon. T. CROTHERS: Yes, all right. It is nice to know that we have the accommodation that will enable them to have all their creature comforts attended to as finely trained and finely tuned athletes. Indeed, if one was not so annoyed about Samaranch's activities, one would have to say—as a former very old athlete myself—that they deserve it. As I said, I understand the rationale of this bill, but I am appalled at the lack of forward thinking by these people in the broader interests of the welfare of this state and its people with respect to employment.

In this day of casualisation, accommodation hotels employ many of their staff on a permanent basis. For instance, when I first signed up members for the Liquor Trades Union at the Hyatt, there were some 420 members and half were permanent. Regarding a largish liquor food outlet hotel, we would have had 35 to 40 members and, of those, three might have been permanent, the rest being casual.

I can recall attending an ALP convention and opposing the Hon. Anne Levy, a former member of this chamber, for whom I have a lot of respect. She was pushing an affirmative action cause that they held dear to their hearts in respect of the casualisation of jobs. I had to respond to her as a senior official of a union which had experienced great casualisation and the members of which had had their capacity to earn livable incomes decimated by the fact that we had gone—even including accommodation hotels—to some 85 per cent to 90 per cent casualisation. The union had done an in-depth survey of the liquor and food hotels. That figure still stands true today. The advent of poker machines has expanded those outlets that had formerly dealt only in liquor and food in respect of their employment of permanent staff.

I am talking now about the creation of permanent jobs. Members in this state should be aware of how many in the work force, since globalisation—and I include my industry as well—are employed but under-employed, and therefore living below the poverty line. Therefore, I am appalled, though I understand it is a conscience vote, at the lack of forward thinking by some of members on this issue. As a democrat I would not normally support the second reading of this bill. However, the persuasive logic of the previous speaker's argument relative to the consanguinity of the morass of this bill has led me—

An honourable member interjecting:

The Hon. T. CROTHERS: Yes, I do not even know how to spell that, but they sell it by the pound.

The Hon. T.G. Cameron: I have never heard of the word. What does it mean?

The Hon. T. CROTHERS: It is all right, junior; do not interject. You will learn a lot from me.

The Hon. T.G. Cameron: I would go and look it up but I cannot spell it.

The Hon. T. CROTHERS: I know. You cannot even spell 'such' and 'and'—words like that. You even get your to's mixed up.

The Hon. T.G. Cameron: I have always done that.

The Hon. T. CROTHERS: When you say 'too many' you spell it 'to'. I return to the matter at hand. I am persuaded that such is the nature of this bill that it demands—

The Hon. R.R. Roberts: Do you want to say it again?

The Hon. T. CROTHERS: I have a prolixity for it. I am persuaded by the depth of logic and persuasiveness in the very good contribution by the Treasurer, Rob Lucas, that I will not support the second reading of this bill. I put that on the record. It offends the democracy that emanates from my nostrils, but on this occasion my democratic conscience has been offended even more by the lack of thoughtfulness on the part of the proprietors and those with carriage of this bill and their amendments relative to the well-being of the people of this state. Mr Treasurer, you know better than anyone that it was that thought that made me resign from the Labor Party and cross the floor to vote for the lease of ETSA.

This bill is not quite that important to the state but, with respect to its capacity to provide employment in our large rural urban areas, in our city and metropolitan areas and in our far flung populations, right across small areas such as Streaky Bay, Tumby Bay—

The Hon. Diana Laidlaw: Kimba.

The Hon. T. CROTHERS: —wherever, the hotel industry stands out as being a beacon as the largest employer of labour in many of those industries. This is at a time when our rural hinterland is losing population by the fist. It is something well worth pursuing in the interests of our rural cousins so as that they do not think that, when it comes to matters that benefit their position, they are poor and second cousins to city dwellers. For all the reasons I have advanced, which I think are logical, applicable, not politically correct and do not electorally enhance my value at the next fiesta, I call on all thinking, caring members who treasure the state of South Australia and its people to oppose this bill at its second reading.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

[Sitting suspended from 1.02 to 2.15 p.m.]

TAB AND LOTTERIES COMMISSION

A petition signed by 1 968 residents of South Australia concerning the Totalizator Agency Board and the Lotteries Commission of South Australia, and praying that this Council will ensure that the Totalizator Agency Board and the Lotteries Commission of South Australia remain government owned, was presented by the Hon. M.J. Elliott.

Petition received.

GEPPS CROSS CATTLEYARDS

A petition signed by 960 residents of South Australia concerning the existing cattle sale yards at Gepps Cross, and praying that this Council will urge the state government to provide a grant of $3 million towards construction of cattle sale yards at Dublin, was presented by the Hon. Ian Gilfillan.

Petition received.

PRINTING COMMITTEE

The Hon. A.J. REDFORD: I bring up the first report of the committee 1999-2000 and move:

That the report be adopted.

Motion carried.

JOINT COMMITTEE TO ADDRESS CONCERNS OF THE AUDITOR-GENERAL RE ELECTRICITY BUSINESSES DISPOSAL PROCESS

The Hon. R.I. LUCAS (Treasurer): I move:

That the members of the Council appointed to the joint committee have the power to act on the joint committee during the recess.

Motion carried.

SYDNEY OLYMPICS

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a ministerial statement on the subject of the Sydney Olympics made by the Premier in the other place today.

Leave granted.

QUESTION TIME

EQUAL OPPORTUNITY TRIBUNAL

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Attorney-General a question about gender balance.

Leave granted.

The Hon. CAROLYN PICKLES: On 25 May this year, the *Government Gazette* indicated that 16 people were appointed to the Equal Opportunity Tribunal, 15 being men and one a woman. Given that the Minister for the Status of Women has not responded to a previous question asked on this subject during the estimates committees, my questions are:

1. Can the Attorney advise the membership and gender balance of the Equal Opportunity Tribunal?

2. Is this the total number of people appointed to the tribunal? If so, why has there been no attempt to gender balance?

3. What actions will the Attorney undertake to address the obvious and unacceptable imbalance?

The Hon. K.T. GRIFFIN (Attorney-General): Those appointments were made because the presiding member of the Equal Opportunity Tribunal has to be a judge of the District Court. Because the act provides for appointments to be for a term of three years, I think it is, all the terms of those appointees had expired, so it was merely a reappointment of all the judges except one. Judge Lunn had indicated—

The Hon. Carolyn Pickles: Are they all men?

The Hon. K.T. GRIFFIN: No, they are not. There are others who are already members—Judge Simpson, Judge Vanstone and several others. In addition to that, there are assessors, and the overwhelming majority of assessors, as I recollect, are women. We are endeavouring, as much as we possibly can, to redress that gender balance issue.

The Hon. CAROLYN PICKLES: I have a supplementary question. Will the Attorney provide me with a copy of the names of the membership and the breakdown?

The Hon. K.T. GRIFFIN: I am happy to do that. There is no difficulty with that: it is on the public record. I will bring it together for the honourable member.

HERBIE'S TRAVEL

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer, in his capacity as Minister for Industry and Trade, a question about Herbie's Travel.

Leave granted.

The Hon. P. HOLLOWAY: The opposition has been unable to find any business registered or listed anywhere in Singapore of a company called Herbie's Travel. The Chief Executive Officer of the Department of Industry and Trade, Mr John Cambridge, claims that Herbie's Travel is the travel agency of our state's Singapore trade representative, Mr Tay Joo Soon. Given that the minister has had fully one month to find the answer to a question asked by the opposition on 15 June about the real identity of Herbie's Travel, can he now tell us:

1. Who or what is Herbie's Travel?

2. For what purpose did it receive two payments totalling $3 000 from John Cambridge's government credit card between March and May last year?

3. Why did Mr Cambridge purchase something from Mr Tay's so-called travel agency given that records show that Mr Cambridge was not in Singapore during the times of those purchases, and that Mr Tay has his own credit card and his own travel budget?

The Hon. R.I. LUCAS (Treasurer): Certainly in relation to the first part of that question, which was asked in the estimates, I have signed off on an answer in the past few days. I do not have it with me, I must admit, but I seem to recall that there was a problem with the spelling of the company's name, and that is possibly the reason why the opposition, in its furious search for this company, has been unable to find it. I cannot remember whose error it was in terms of the spelling—whether it was on an invoice or a receipt. I think it might have come about (and I am relying on memory here) as a result of an FOI request from the *Australian* newspaper or from Annette Hurley. If my recollection is wrong, I will correct the record—

The Hon. L.H. Davis: Maybe they had Lord Lazy on the hunt.

An honourable member: Who?

The Hon. L.H. Davis: Lord Lazy, Pat Conlon.

The Hon. R.I. LUCAS: Lord Lazy? I said during the estimates committee that I thought it was Herbie's Love Bug. My recollection of the response that I have signed recently is that there was some incorrect spelling of the company's name, which possibly has meant that the opposition in its research has been unable to track down the company in Singapore.

The Hon. P. HOLLOWAY: I have a supplementary question. Is the Treasurer able to answer the last two questions that I have asked in relation to the payments from Mr Cambridge's credit card?

The Hon. R.I. LUCAS: No, I am not. I do not think that the second two questions were asked in the estimates committee. I can assure the honourable member that I have difficulty remembering my own credit card invoices and accounts going back three months, let alone three years, or whatever it might be. I certainly do not have at my fingertips the invoices and accounts for anyone else's credit cards going

back a number of months or a number of years. I will need to take the question on notice and see whether or not I can bring back a reply.

SPEED LIMITS

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Minister for Transport a question about country road speed limits.

Leave granted.

The Hon. T.G. ROBERTS: I understand that there is some discussion and debate amongst some government backbenchers about at least putting to a standing committee the issue of raising speed limits in the northern, north-western and north-eastern parts of the state. The ERD Committee, of which I am a member, examined country roads and this was a question that was raised. The general consensus was to forward the issue itself to the standing committee for further discussion. The questions I have of the minister are:

1. Has the government earmarked or carried out any road safety audits in South Australia with a view to raising the speed limit in those northern, north-western and north-eastern regions?

2. If the answer is no to that, when will road safety audits be completed on those northern highways?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Arising from the ERD Committee report the government allocated $880 000 to accelerate road audits on all our country roads, including national highways and the roads for which the state is responsible, not local roads. All the audits will be completed by the end of this calendar year, so by December 2000 for the audits that have been undertaken and finalised initial work will be under way to cost the issues that have been identified as in need of improvement from a safety perspective. Some of these are at intersections with local roads and, therefore, the respective council has to be involved in discussions about what improvements can be made.

The road audits were not undertaken to assess whether speed limits would be increased above 110 where those roads are so designated as being unfit for a maximum speed of 110. The audits were undertaken from a safety perspective. I am aware that on some roads where 110 has been the set maximum speed limit some consideration will be given to lowering the speed limit while improvements are made. But conclusions have not been reached on any of those matters. In the meantime, the work that Transport SA has undertaken is also being assessed in line with work that the police have undertaken over the past 18 months, and we are bringing that work together with our own, and also the RAA has done some work on selected roads.

So, overall, we should have quite a comprehensive road safety audit profile of our arterial roads and national highways by the end of this calendar year. That will help us in budget deliberations for next financial year. In the meantime, I think $500 000 has been provided for in this current financial year budget to undertake some preliminary work on the worst black spots. That is in addition to the $3.4 million or $3.5 million that the federal government has provided us for black spots this financial year.

EMPLOYMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Treasurer, representing the Premier, a question about casualisation and the working poor.

Leave granted.

The Hon. M.J. ELLIOTT: The Australian Bureau of Statistics information released today shows that most of the employment growth in South Australia over recent years has been in the areas of part-time and casual work. Today's figures show that, despite a significant rise in those eligible to work, only 1 500 more South Australians were looking for work than when the government came to office in 1994.

Further, of the 25 000 jobs created during this period, almost half have been in the part-time and casual sectors. Since 1994, full-time work has grown by 2.73 per cent in South Australia while part-time and casual work has grown by 7.28 per cent. When one considers the unacceptable levels of stress that part-time and casual work place on individuals and families, it is no surprise that more South Australians are becoming disillusioned and have stopped looking for work.

As was highlighted in a recently released study by the Centre of Applied Social Research, the shift towards part-time and casual work is one of the significant factors in the growing divide between rich and poor Australians. In 1988, a Dusseldorp Skills Forum study found that casualisation was forcing more young people into low skilled jobs and that young adult earnings had dropped by 20 per cent in real terms since 1976.

Just yesterday, the Centre for Economic Development released a report which found that part-time, casual and under-employment had risen dramatically in Australia since the mid 1990s. It also found that more people were working over 49 hours per week—and some of us per day, I think—and that the resultant earnings inequality was behind the growing gap between the rich and poor in Australia.

It is a concerning finding when one considers that the Brotherhood of St Lawrence's 'Growing Apart' study released in May this year found that earnings inequality was forcing more Australians into poverty. I have previously raised my concerns in this Council about the growing number of working poor in the South Australian society, but the government has chosen to ignore the issue. Instead, it has cynically heralded a rise in job numbers as a sign of improving economic conditions in the state, without being honest about the hidden social costs. My questions are:

1. Does the Treasurer acknowledge that many of those people in part-time and casual work are not there by choice and are being forced into low paid and low skilled work?

2. Does he agree that casualisation is a significant factor in the growing divide between rich and poor South Australians?

3. Will the Treasurer admit that his government's failure to create secure full-time work in this state is resulting in more South Australians living in poverty?

The Hon. R.I. LUCAS (Treasurer): I am pleased to see that the Leader of the Australian Democrats can end the parliamentary session in the way that he has conducted himself and his party during it—either opposing development whenever it is being offered or being a carping critic of everything the government sets out to do in terms of the regeneration of job opportunities in South Australia.

We get nothing from the honourable member that compares an 11 per cent or 12 per cent unemployment rate, which was inherited by the government and which now has

been reduced significantly. The reality is that, whether people are young or middle-aged, if you give them the choice—

The Hon. T.G. Cameron: Not so long ago we had double digits.

The Hon. R.I. LUCAS: We had 11 per cent and 12 per cent unemployment in South Australia under Mike Rann. We did not hear as much criticism of the Labor administration in those days from the Hon. Mr Elliott. The point that I am making is that, if you give a young person or an older person the choice of being unemployed or having a casual or part-time job, I can tell the Hon. Mr Elliott what they will say—'Give me a job, whether it is a casual job or part-time job, as opposed to being unemployed.'

The Hon. Mr Elliott has tried to make a political point about the issue when I would have thought that all members in this chamber would support as many full-time jobs as we can get; and if we cannot get full-time jobs, it is a hell of a lot better to get part-time and casual jobs rather than having 11 per cent and 12 per cent unemployment rates, which is the level that Mike Rann and the Labor administration left us back in 1993 when we were first elected.

The reality is that many industries, not encouraged by the government in any direct way, are making the commercial judgment that they want to employ more part-time or casually based staff. If members speak to the representatives of the STA within the machine of the Labor Party, they will tell you that the retail industry has been at the forefront of this for many years.

The Hon. M.J. Elliott: Coles are changing.

The Hon. R.I. LUCAS: And if they do, good luck to them. If Coles Myer changes and others change, terrific; the government will support them and encourage them.

The Hon. M.J. Elliott: What are you doing to encourage them?

The Hon. R.I. LUCAS: What do you want us to do?

The Hon. M.J. Elliott: What are you doing?

The Hon. R.I. LUCAS: What do you want us to do? The Hon. Mr Elliott is carping and criticising from the opposition benches, but he never suggests what we should do. Should we ban employers from having casual staff? Is that what the Hon. Mr Elliot wants us to do? Should we ban women from having part-time work because they want to combine part-time work with raising a family? Should we ban companies from offering those sorts of employment opportunities to mature age women or young people?

The Hon. Diana Laidlaw: Or people nearing retirement.

The Hon. R.I. LUCAS: Or, as the Hon. Diana Laidlaw says, people nearing retirement who are prepared to job share or take part-time work.

Members interjecting:

The Hon. R.I. LUCAS: Exactly. When the Hon. Mr Elliott is prepared to get up in this chamber and offer a solution or even options for a solution, rather than being carping and critical and doing Mike Rann impersonations in this place, members of the government and the opposition might be prepared to listen to the issues that he raises. However, if he is not prepared to work through a possible solution, rather than just being critical, no-one will take much notice of him as, frankly, people have not taken much notice of him for most of his 15 years in parliament in relation to these issues. If he is not prepared to do the hard work, he should stop being critical, get on with the business and offer some solutions.

Last night, in one of the constructive contributions to the appropriation debate compared with those offered by the Hon. Mr Elliott over the years, the Hon. Terry Roberts raised the issue of why we in this chamber do not discuss issues like job creation rather than a whole range of other issues that the Democrats and others perennially trot across the landscape as being important to them. If there is any trendy or lefty issue floating across the horizon that has not been picked up by anyone else, the Leader of the Australian Democrats will pluck it out of the air and trot it into the chamber. It might be legalised marijuana, legalised drug injecting rooms or drug reform—a range of issues—he will continue to raise them as possible options.

I advise the honourable member to do as the Hon. Terry Roberts suggests and come into this chamber with some positive suggestions about job creation and the casualisation of the work force, and on that basis members might take some notice of some of the things that the Hon. Mr Elliott occasionally says.

Members interjecting:

The PRESIDENT: Order!

INDUSTRY INCENTIVES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister for Industry and Trade a question on the subject of industry incentives.

Leave granted.

The Hon. L.H. DAVIS: Honourable members will know that, in the Playford government era dating back to the 1940s, the South Australian government created what was known as the Industries Development Committee, which was a standing committee of the parliament and whose membership comprised a representative from each side of each chamber of the parliament. In other words, there were two Legislative Councillors and two House of Assembly members, and they were complemented by a representative from the Treasury department; in other words a total of five members. That Industries Development Committee met regularly and examined applications for grants or loans for industries looking to expand their operations in South Australia or, indeed, to move into South Australia. The committee chairs over the year included Ms Anne Levy and Ms Susan Lenehan. It was a bipartisan committee—

The Hon. Carolyn Pickles: And me.

The Hon. L.H. DAVIS: And the Hon. Carolyn Pickles. It was a bipartisan committee. The understanding was that the information received by that committee would remain confidential. The committee received extensive briefings from government officers and took evidence from the interested parties applying for interest free loans, loans with low interest rates or straight-out grants, or a combination of all those things. During my time on the committee, which, from memory, was six years—and the Hon. Paul Holloway was also a member of that committee—on not one occasion did the information provided to the committee leak to the parliament or the media.

Unfortunately, with the introduction of the new parliamentary committees system—the Evans' amendment of 1991, as I remember—the Industries Development Committee changed its nature and became a subcommittee of the Economic and Finance Committee with only House of Assembly members. (The time is 17 minutes to 3, if you are looking at your watch, Mr Cameron.) Sadly, in recent years, the value of that committee, in my view, has been debased by the leaking of information, which I think has been unfortunate, but that is another matter. In recent weeks again

questions have been asked about the way in which government provides incentives to attract or retain business investment in South Australia, given that all state governments have one way or another of approaching this important issue.

My question to the Minister for Industry and Trade is: is the minister able to make a comment about the processes involved with the government in terms of processing applications by industry for incentives to encourage expansion into South Australia, or indeed additional investment by companies already in South Australia?

The Hon. R.I. LUCAS (Treasurer): I thank the honourable member for his question: it is an important issue. As the relatively new Minister for Industry and Trade, I have asked for a review of our processes of handling applications for assistance. It is a whole new game or business to me. Obviously, I saw it from a distance as the Treasurer for the first two years, but now as the Treasurer and Minister for Industry and Trade obviously I am in a position to have some degree of influence on the processes that the government might adopt and follow. We have instituted some changes, but we are in the process of further reviewing some aspects of the issues that the honourable member has raised, in particular the relationship regarding various proposals to parliamentary committees such as the IDC and also now the Public Works Committee.

The first point I make is that last year, as Treasurer, I was a strong supporter of a change which the government, I was pleased to say, instituted through the Premier, and that was the establishment of a cabinet committee which was chaired by the Premier himself and which incorporated the Treasurer, the Minister for Industry and Trade and two other ministers. The State Development Cabinet Committee, since late last year, has adopted a new role in terms of significant oversight of major industry incentive packages to be offered by the Department for Industry and Trade. Therefore, no longer is the sole control delivered through the Department for Industry and Trade: there is a significant role for the Treasurer and for Treasury working with Industry and Trade—and, of course, the Premier is now the chair of that committee—and the Minister for State Development as well.

As Treasurer and Minister for Industry and Trade, I strongly support the notion of having greater Treasury and Treasurer involvement, because there are significant packages of assistance that we provide to industry. We need to be definitive in the ongoing commitments that governments make on behalf of the taxpayers, because many deals and packages are long term in their implementation. There may be a payroll tax or tax incentive for up to 10 years, and it is important that we have established processes of accountability within our department in terms of monitoring and follow-up.

I think it is fair to say—and this to a large degree pre-dates me—that there have been some criticisms made by the Auditor-General in previous reports about the quality of paperwork, I suppose, in the Department of Industry and Trade. I am pleased to be able to report that senior management, under the leadership of John Cambridge and others, has recognised those problems and is instituting much greater accountability processes in terms of paperwork.

To that end, I have approved the establishment of a new section or unit within the Department of Industry and Trade called the Prudential and Commercial Division. That division will be solely responsible for the prudential management of our processes, including cost benefit and economic analyses, which I believe are very important in terms of trying to make judgments about where scarce taxpayers' resources ought to be delivered as industry incentive packages.

The state development cabinet committee is now providing some oversight in bringing together agencies such as Primary Industries and Resources SA (PIRSA); the Minister for Information Economy; tourism developments; regional infrastructure developments, which my own department has some responsibility for; the Deputy Premier's department; the Premier, who is the Minister for State Development; and the Treasurer. So, at last we have a small group of ministers responsible in some way or another for economic development, and all of them have a strong and important role in terms of decisions that might be made about scarce taxpayers' funds being diverted towards developments within the state or an incentive package which might be offered to either an existing South Australian business or to an interstate or overseas business.

In that way it will be an evolutionary thing, I hope. We will have an opportunity to make a better assessment as to where the money ought to be directed, rather than having separate funds in separate departments under the control of separate ministers and not being able to cross-reference where we will get for the taxpayers the best bang for the buck in terms of taxpayer assistance, whether it be by package or whether it be through some infrastructure development. With that and with the new Prudential and Commercial Division within the Department of Industry and Trade, we have the foundation for what I hope is a more cohesive and coherent process to manage these difficult issues.

There are a number of other issues that I am currently having reviewed within my department in terms of our own processes in handling these issues. There is obviously a significant inter-relationship with the Premier of the day as the Minister for State Development, which is necessarily part of how we manage effectively those processes, but also in relation to the important point that the member has raised in relation to the IDC, and also the Public Works Committee. I think we have to have another look at that in respect of the time it takes for us to get through our processes in terms of trying to be competitive when bidding against other states. We are aware that one other state has offered a total package of $35 million to one business to either expand or locate in their state. It is a quantum above what a small state like South Australia is obviously able to offer in that area.

We need to be able to act quickly, and in the past one of the attractions of the ICPC scheme, which was the factory build scheme that we had in South Australia, was the capacity to act quickly and to offer those packages to prospective investors. I am told, and I will be looking for evidence of this, that some other states are now in a much better position to be able to do that quickly. We now have a process where we have to go through not only the IDC committee but also the Public Works Committee.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: And there is no criticism of the time with IDC but I cannot say the same thing for the Public Works Committee. If we are to retain a competitive advantage in South Australia, it is an issue. It is a matter that I have raised with the shadow minister and I would be pleased to have a discussion with the Deputy Leader because, whatever government is in power, I think we all have a collective interest in ensuring that there is proper accountability to the degree that we can agree but, in the end, do we need to have one, two or more committees of the parliament in terms of assessing the packages that we are to offer?

In addition to that, as I said, we also now have within our own government a cabinet committee, and cabinet must consider some of these packages as well. The bottom line is that I am certainly prepared to have some discussions with the opposition and, indeed, other parties if they are interested to try to come up with some better process for accountability but also for ensuring quick decision making in terms of trying to be competitive as we bid against other states for important new businesses in the state.

ENVIRONMENTAL TOBACCO SMOKE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about environmental tobacco smoke, or ETS, and children.

Leave granted.

The Hon. CARMEL ZOLLO: I acknowledge that South Australia has made progress through the smoke-free dining provisions as well as through bans at most public sporting venues and shopping centres. One area of concern relates to greater protection of children from passive smoking, with the World Health Organisation landmark report this year calling for greater protection of children from ETS. Regrettably, it is still common to see adults smoking in cars with windows wound up and children in the back seats.

The effects of ETS or passive smoking and the contribution it makes to ill health and disease are increasingly well-documented. The World Health Organisation consultation report on ETS and child health has made a number of recommendations in light of the substantial detrimental health effects that passive smoking has on children. ETS is a recognised cause of respiratory diseases such as asthma attacks, bronchitis, pneumonia and middle ear infections.

The World Health Organisation cites the UN Convention on the Rights of the Child, which provides for health rights for children. The report calls for comprehensive health promotion effort with two main thrusts: legislation and education. Whilst legislation regarding activity that occurs in the private environment should be seen as a last resort in this case, education regarding the effects of passive smoking and children is clearly supported by the World Health Organisation. Given the clear implications of the report and information promoted by the Quit campaign and the Anti-Cancer Council, my questions are:

1. Will the minister ensure that education campaigns specifically targeting the dangers of ETS are undertaken?

2. Can the minister advise whether the government has investigated any legislative methods to address this matter and, if so, can they be outlined?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer that question to my colleague and bring back a reply.

An honourable member interjecting:

The PRESIDENT: There is a supplementary question. I call the Hon. Nick Xenophon.

An honourable member interjecting:

The Hon. NICK XENOPHON: Well, no—

The PRESIDENT: Order! I have called the honourable member to ask a supplementary question.

The Hon. NICK XENOPHON: Mr President, I seek your guidance: if I am out of order, I am sure you will tell me, sir. My supplementary question is: will the minister also investigate the impact of environmental tobacco smoke in gaming machine venues in this state?

The Hon. DIANA LAIDLAW: I will refer that question to my colleague and bring back a reply.

TRANSPORT, CONCESSION TICKETS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question in relation to concession tickets.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that today a protest was staged by some parents and students at the Salisbury interchange. The protest was aimed against the practice of the government through the Passenger Transport Board and TransAdelaide of requiring that people who travel on public transport with a concession ticket must also carry a valid concession card. My questions are:

1. Is this a new policy requirement?

2. In light of the protests, will the carrying of concession cards be reviewed, for example, to provide that people caught without a valid card have 24 hours to prove their entitlement, as motorists are able to do?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am aware of the protest meeting that was held today. I indicate to the honourable member and the protesters that this is not a new requirement by the government or the operators. As far as I am aware, this requirement has been in place since the introduction of concession cards and concession entitlements. I know that, in all states and territories in Australia, a valid concession card is required if people want to seek—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: The honourable member can ask a supplementary question, if he wants. It is also—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: The record does not show that that is so. I think it is as well that we are coming to the end of the session. No other state has applied a 24-hour policy of presenting concession cards when a person has claimed the right to travel on a concession ticket. From discussions in New South Wales, I am aware that a 24-hour policy in respect of concession cards was trialled a number of years ago but was abandoned almost immediately—a bit like the Labor Party policy some years ago of providing free transport for kids.

In New South Wales it was found that so many false names and addresses were given that administratively it was almost impossible to check 24 hours later on the identity of the person and match it with the person who had undertaken the travel, unless photographs were taken at the time of travel—of course, no-one has suggested that that is how a public transport system should operate. One of the reasons an expiation notice is provided when a concession ticket is presented but the passenger is not carrying their card is that it provides a record of repeat offenders. This is a practice which also is adopted interstate, and it is a very important practice in deterring repeat offenders.

I highlight a statement made today by Mr Kevin Hamilton (a former state MP and a former state president of the rail union) on one of our morning radio programs. Mr Hamilton said as follows:

If it is good enough for pensioners to have to carry their concession cards, it is good enough for students. I know the problems associated with fare evasions. I believe that what the

current government is doing is correct. People have to accept their responsibilities. Many of them know what the law is. They believe that they can evade and flaunt the law. The authorities are correct.

This is backed up by the rail workers themselves—from the drivers to the PSAs and the transit police—that people do know the law. It is convenient for them to say that they do not know the law when they are picked up with a concession ticket but without a concession card.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: That is absolutely false. In the last quarter, for the first time in years, patronage has gone up. It has nothing to do with what the general public have called for for a long time but we have not had the resources to do, and that is to implement a comprehensive fare evasion procedure.

The reports from the public transport unions, from the rail workers and from the transit police indicate that, with the crackdown on fare evasion, we also have seen a marked decrease in vandalism on our rail system—and I think every passenger who uses the rail system would wish to see a reduction in vandalism. Certainly, not every fare evader is a vandal, but the practice has been that most vandals and troublemakers, in the experience of the police, are fare evaders. So, we have had this fare evasion crackdown, which will be ongoing. You will find, if you use the public transport system, Mr Cameron, that it is, in fact, cleaner and safer and that more people are using it. I would have thought that everyone would celebrate those excellent outcomes.

STREET GANGS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, questions about street gangs.

Leave granted.

The Hon. T.G. CAMERON: I like asking the Attorney-General questions: at least he does his best to answer them. A disturbing report about youth gangs was published in this week's *Sunday Mail*. The report claimed that people as young as 10 are joining armed gangs and are being exposed to a culture of violence, rape, drugs, graffiti, vandalism and arson. This atmosphere of criminality will undoubtedly have a tremendous impact on their development into adulthood. I perceive the problem to be twofold: first, protecting the general public from street gang violence, whether or not it is aimed at them; and, secondly, getting our youth out of American gang mentality and thus preventing them from being exposed to unacceptable danger with hard drugs, violence and perhaps even youth suicide, particularly amongst our young males.

The creation of gangs is a social problem, which has evolved out of the breakdown of families, a high unemployment rate and a lack of activities available to today's youth. If we want to prevent gangs, we must first ensure a society where young people can seek appreciation within it, not outside it. The report stated that, because the gang problem has escalated to intolerable levels, police have been forced to declare no go zones in certain areas. I am deeply concerned that, by conceding ground to these gangs, it is only a matter of time before someone is killed or seriously maimed—either a gang member, a police officer or a member of the public. My questions to the Attorney-General are:

1. Have the police established no go zones because of intense street gang activity and, if so, to whom and to where do they apply?

2. Can the Attorney-General release details of the no go zones so that members of the South Australian public know where their police force believes they will not be safe?

3. What measures is the government taking to reassure the South Australian public that these gangs will be disarmed, discouraged and dissolved?

The Hon. K.T. GRIFFIN (Attorney-General): I saw the newspaper articles in relation to gangs. I thought that there was a certain amount of exaggeration in the reporting, and I was concerned about the representations contained in the report, because it tended to focus upon the bad things about young people rather than the good. There are many things happening in our community and, whilst occasionally young people may go off the road or skylark or be in high spirits, they are, essentially, good young citizens who will make a go of it as they mature. There are, though, a few young people who are disadvantaged or who, for other reasons, will not have the same opportunities or, if they do, will not make the best use of them.

That is the reason why I have a very strong commitment to endeavouring to identify at an early stage those young people, even children, who might be at risk and endeavouring to deal with the causes of them being at risk rather than dealing with them only in the criminal justice system. Under the crime prevention responsibilities which I have, there was last year a report on which work was done interstate about young people and their use of public space, because where you get a group of high-spirited young people, say in Rundle Mall, for older people it can be quite intimidating but, essentially, they are not necessarily groups of young people that fit into the gang culture.

The Hon. T.G. Cameron: I can even imagine you as being high-spirited and young, Mr Attorney!

The Hon. K.T. GRIFFIN: We will never be off the record if I make any comment! There is no doubt that there are groups of young people who group together and for one reason or another commit illegal acts, and in those circumstances that has to be addressed, both their criminal behaviour and the causes for that, and also how we can constructively move them away from that risky lifestyle. So I think we have to look at it on balance. I am certainly not justifying gangs. I think if there are any we do have to deal firmly with them but we also have to identify the reasons why that is occurring. With respect to the detailed questions asked by the Hon. Mr Cameron I will undertake to refer them to the responsible minister. It will not necessarily be just police; but that is essentially I think the first couple of questions focusing on no go zones. However, if I can bring some other information back that might touch on other areas of government I will certainly endeavour to do so.

AGED CARE FACILITIES

In reply to **Hon. IAN GILFILLAN** (30 May).

The Hon. R.D. LAWSON: In addition to the answer given on 30 May 2000, the following information is furnished:

The Aged Care Standards and Accreditation Agency for the Commonwealth Department of Health and Aged Care has been contacted to ascertain whether complaints of a nature similar to that made by Ms McLeod have been received. In the two and a half years since the Agency has been operating, they report that only one similar complaint has been received which was around an issue of dignity.

Deaths frequently occur in residential aged care facilities. Against that background, it would appear that the current commonwealth funding rules need not operate in a way which compromises the dignity of deceased residents or of their families. However, I have raised this issue with the commonwealth Minister for Aged Care and

asked her to give further consideration to a grace period for residential aged care facilities following the death of a resident.

As part of the Commonwealth's Accreditation Standards, all residential aged care facilities are required to place great emphasis on issues such as dignity, respect, privacy and support—especially during any period of mourning. It would seem the period of grace between occupation of residential aged care places is a discretionary one that residential aged care facilities manage.

I have also received a report from Eldercare on the alleged incidents described in the honourable member's explanation. This report presents an entirely different picture to that depicted by the honourable member. I note that the events were the subject of an unsuccessful legal action by the honourable member's informant. It is regrettable that those facts coupled with the fact that the action was dismissed, were not mentioned in the honourable member's explanation.

EXPIATION NOTICES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about expiation notices issued to public transport users.

Leave granted.

The Hon. J.F. STEFANI: Following the publicity that was widely disseminated through the media this morning, particularly the radio, I ask the following questions:

1. Could the minister advise whether there is presently a mechanism in place which allows the recipients of expiation notices the opportunity to have the expiation notice withdrawn and, if so, what is the mechanism?

2. Could the minister advise the Council whether there could be a review of the processes to enable people who have genuinely forgotten their passes to be appropriately dealt with and considered?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Every expiation notice that is issued as an on-the-spot fine does indicate, in very large print, on the back of the notice that there is an appeal mechanism; I think it is up to 28 days that one can write in and appeal. It has been recommended by the PTB and TransAdelaide if people are aggrieved and believe that they have a good reason for not carrying their concession cards. I have heard of a number of such reasons with purses stolen or school libraries having held the student's card as a guarantee against a loan of a book, and there is a range of things like that. In such circumstances, and in any event, if one wants to appeal they should write to the PTB, but also they can just send in a photocopy of their concession card to prove that it is theirs. One of the issues for the PTB in these circumstances is if a person initially gives the wrong name and address, but that makes it extremely difficult for that person to appeal.

We are clamping down on this issue. The general response from workers on our public transport system and from passengers generally has been outstanding. I think that over the next few weeks, as the publicity gets out, fewer of these situations will arise, because people will be aware that what has been the law for years but was not strictly enforced will prevail, and that is that people must have their concession cards when travelling on a concession fare.

The honourable member asks whether processes can be reviewed. I am prepared to put that to the PTB to see whether we can streamline the exercise. However, I understand that the processes are similar to what has been the practice in other states, which have been much tougher than we have for a number of years in this field. We have learnt from practice interstate. Nevertheless, I will ask to see how we can adopt best practice in this field. If an appeal is made and a genuine cause is given, the expiation notice will be withdrawn.

The Hon. SANDRA KANCK: As a supplementary question, where a passenger was unable to buy a ticket because all they had with them was $50, on what basis would they be able to appeal?

The Hon. DIANA LAIDLAW: They must present their case to the PTB. I will not give advice here as to what grounds the PTB will accept for an appeal. I know—and I alert the honourable member to what bus drivers and people working on the trains identify—that many people will offer a $50 note knowing that, for instance, bus drivers do not carry much change—and that is for their own security. Some people provocatively offer $50 knowing that there will not be change, which puts the driver in a very invidious position.

The ticket dispensing machines on trains do not take notes and people must have coins. The best thing about the way in which the expiation notices have been issued is that people can write in and appeal, and the PTB may decide it is a genuine case and scrub the expiation fee. The point is that it then has a record of it, so if somebody tries to do it again it can see a practice. That has been our difficulty in the past.

Another difficulty is with providing people with 24 hour notice to present their card, because of false names and addresses. I know that many other countries that have been tackling this issue demand that the exact fare only is what people offer, and if they do not have the exact fare they take the lot. We do not have that practice here, but we do ask people to have a ticket before they get onto our public transport system. Single-trip tickets are available on our railcars and buses, and coins are the preferred currency.

The Hon. J.S.L. Dawkins: Tickets can be bought at other outlets.

The Hon. DIANA LAIDLAW: Tickets can be purchased elsewhere, such as shops. We have over 900 licensed ticket-vending outlets across the metropolitan area for the purchase of tickets, and there are various ticket dispensing machines at stations and in the city, and there will be more as part of our safer interchanges. I will ask the PTB and our operators about the issue of $50 and $100 notes, but I know from the feedback in the past that sometimes there are genuine cases and sometimes people are deliberately provocative, simply to avoid having to pay at all.

SA WATER

In reply to **Hon. T. CROTHERS** (4 May).

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following information:

I am advised that as Mr Nguyen has commenced legal proceedings against SA Water in the Adelaide Magistrates Court. Accordingly, it would be inappropriate for me to comment on the burst water main at Archer Street, North Adelaide, and resulting damage to Mr Nguyen's motor vehicle.

COUNTRY FIRE SERVICE

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question regarding the Country Fire Service Board.

Leave granted.

The Hon. IAN GILFILLAN: I have received a copy of correspondence from Mr Michael Pengilly of Kangaroo

Island who is, for at least a few more hours, the Presiding Member of the Country Fire Service Board.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron and the Hon. Ms Pickles! I cannot hear the honourable member.

The Hon. IAN GILFILLAN: My questions concern the facts in the letter, which I read as follows:

> Dear Fellow CFS Members,
>
> I would like to make you aware of the following in relation to board membership. Despite the fact that the Local Government Association has put forward my name as their priority nomination for another term on the CFS board, Minister Robert Brokenshire has telephoned me to inform me that on the expiry of my current term (midnight 13/7/00) I will not be reappointed to the board.
>
> The minister claims the board and myself have not done enough to support the emergency services levy and he is planning 'changes to the board'. I strongly make the point that it is the board's role to provide governance to the Country Fire Service and to disperse the funds provided to it in an efficient and effective manner, something the board has endeavoured to do in the best interests of the service in South Australia. It is not, has not, and indeed should not be a public relations unit.

Mr Pengilly goes on to thank the CFS volunteers and staff, especially CEO Stuart Ellis, with whom he has worked over the years.

On receiving a copy of this letter, I rang Mr Pengilly to ascertain the genuineness of the contents. He confirmed them and in conversation he was even more critical of the minister. He said that, despite the fact that the board had never had any complaint about the concept of the emergency services levy, the minister had been trying to bully the board into actively promoting it, which the board did not see as its duty.

Section 10 of Country Fires Act lists the responsibilities of the board, which include administering and controlling the CFS. The act requires the board to manage the human and material resources, including advising the minister. The board is responsible to the minister for administration. Significantly, the act does not require the board to promote the political objectives of the minister. The LGA's nominations have been rejected by the minister twice. A previous CFS board priority member, Valerie Bonython, was also rejected by the minister. My questions are:

1. Why is the Presiding Member of the CFS board being sacked for correctly observing the terms of the Country Fires Act?

2. If the minister wants the CFS board to promote his political objectives, why does the minister not seek to amend the Country Fires Act?

3. What damage will be done to the government's relationship with the Local Government Association if the minister continually rejects the priority nominee recommended by the LGA to the CFS board?

The Hon. K.T. GRIFFIN (Attorney-General): It is unfortunate that the Presiding Member of the Country Fire Service Board should send a signal by letter to a variety of people. It is addressed to all CFS groups, brigades and staff. I think it is probably unique, certainly unusual, that a presiding member would take that course of action. When their term expires, it is not uncommon for members to consider the direction of a board or other body on which nominees are appointed.

Members interjecting:

The PRESIDENT: Order! The Attorney-General is trying to answer the question.

The Hon. K.T. GRIFFIN: So, it is a matter—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. K.T. GRIFFIN: From time to time there are reviews of membership when a person comes to the end of his or her term on a particular board or committee, and all governments of whatever political persuasion take the opportunity from time to time to examine the direction of a particular board or a committee and make a decision about who would or would not be suitable for a term of membership to take it onto the next stage of its activity and exercise of its responsibility. It has to be remembered that the whole area of emergency services has undergone a quite significant change over the past 12 to 18 months with the introduction of the emergency services levy, which has provided a guaranteed budget to the Country Fire Service.

If members go around South Australia and talk to Country Fire Service groups, brigades and staff, volunteers included, they will find a significant measure of support for the improved funding levels which have been made available and a real appreciation of what has been achieved in respect of funding brigades and providing them with equipment which they previously had always bid for, or wished for, and it had never been possible to obtain. It is not surprising that there has been a review of membership.

The board has statutory responsibilities. Those statutory responsibilities are now exercised in conjunction with the new Emergency Services Administrative Unit—and that is a new administrative unit of the Public Service under the Public Sector Management Act—which is trying, right across all the emergency services, to get a much more coherent and coordinated approach to administration and management, as well as to funding. That is quite a changed environment, and so it is not uncommon, as I say, when you have that sort of radical change, to have a review of membership, and that is what has occurred in relation to Mr Pengilly. As I say, I think it is quite unusual for a presiding member to circulate information or correspondence in the way in which he has done.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: He is not being knifed. This is the hype that is being—

The Hon. L.H. Davis: What is happening in the Australian Democrats? They are opposing Ian Gilfillan as state president.

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron will come to order. It is obviously the last day.

The Hon. K.T. GRIFFIN: The first question asked by the honourable member makes the assertion that Mr Pengilly is being sacked, and it is quite obvious that he is not being sacked. You can be sacked only when you are an incumbent in the context of the term of office or employment. As to why he may not be invited to continue as presiding member, I will take that on notice, although I understand the same question was asked in the House of Assembly and the Minister for Police, Correctional Services and Emergency Services has provided an answer. If the honourable member looks at the *Hansard* record, he will be able to obtain a lot of information directly from the minister.

In respect of the second question, again the honourable member mistakenly asserts that there is some partisan political influence, I presume, sought to be exercised over the board. That is not the case. The fact is that we want the

Country Fire Service to flourish. We depend upon something like 17 000 volunteers across South Australia.

The Country Fire Service is now in better shape than it has been in for many years. The Labor administration never had the guts to pick up the difficulties in relation to its capital budget. It had a capital budget that was minuscule in comparison with what it gets now. In addition, there was a loan of $13 million, I think it was, which had been set against it by the previous Labor administration and which we have written off: we have resolved it. It is debt free. So let us not talk about the CFS being used for political purposes. It exists to serve the community and it is being equipped by the Liberal government of the day to do that job effectively.

The remaining issue is the panel of names supplied by the Local Government Association. The honourable member suggests there will be some damage if what he asserts is correct. I am not prepared to comment on who was or was not on the list and in what order they were on the list, but the honourable member ought to know by now that, where there is a requirement for a panel, it does not mean that the government of the day has to accept anyone for that panel in any particular order. That has been the position under Labor governments as well as under Liberal governments. In fact, legislation providing for panels has been amended in this Council with the support of the opposition, in particular, and the Democrats. Why do you have a panel? The panel is established so that you can make a choice. A board or committee provides the right balance and brings together all the necessary skills to provide a satisfactory level of service through its administration.

I do not think I need to bring back a reply. In the context of this question, I refer the honourable member to *Hansard* of today's date for the House of Assembly when the minister answered a similar question. In respect of what I understand is a pre-selection battle, I wish the honourable member well.

WOODEND PRIMARY SCHOOL

In reply to **Hon. P. HOLLOWAY** (24 May).

The Hon. R.I. LUCAS: The Minister for Education and Children's Services has provided the following information:

I understand that the correspondence referred to by the honourable member was prepared in February 2000.

Negotiations continued in March and April. Additional valuation advice was received and the final Cabinet decision was based on an economic evaluation dated 29 March 2000, which was undertaken in accordance with Treasury and Finance guidelines and included in a departmental recommendation dated 10 April 2000.

In reply to **Hon. NICK XENOPHON** (24 May).

The Hon. R.I. LUCAS: The Minister for Education and Children's Services has provided the following information:

In response to the supplementary question, the purchase price for the land did not include any reference to the tavern licence application.

SCHOOLS, PHYSICAL EDUCATION

In reply to **Hon. M.J. ELLIOTT** (2 May).

The Hon. R.I. LUCAS: The Minister for Education and Children's Services has provided the following information:

1. The Flinders University's health and physical education studies research group was commissioned to investigate and report on the response of government schools to the recommendation that all students be provided a weekly minimum of 100 minutes of physical education and sport during the compulsory years of schooling.

Schools that have managed the recommendation have achieved this in a variety of ways such as setting aside blocks of time for physical education and sport, integrating physical activity with other areas of learning and actively pursuing opportunities for students to participate in physical activity. A number of school communities believed that the 100 minutes of physical activity recommendation was a lower priority than other departmental initiatives.

2. Some schools provide exemplary physical education programs delivered by classroom teachers while others choose to employ specialist physical education teachers.

Schools continue to have local autonomy in determining methods to ensure system wide student learning outcomes are met. Increased local management allows schools to choose to employ subject or learning area specialists as determined by the school community. The government is working to support schools in this area by providing greater flexibility in staffing so that it is more responsive to the needs of the school community.

The department is also working with a range of state government and community agencies to develop a positive attitude towards physical activity within school communities. The government currently provides funding to support the Active Schools Project ($104 000 per year) and the Active Australia Schools Network ($34 000 per year). To date the Active Schools Project has provided professional development opportunities for teachers from over 200 primary schools to increase their competence and confidence in teaching physical education and sport. The active Australia schools network will provide exemplars of practical ways in which schools can achieve enhanced student learning outcomes in physical education and sport.

3. The following initiatives have recently been undertaken by the department to address key issues raised by the '100 Minutes Project Report'.

- The SACSA trialing draft in health and physical education explicitly requires participation in physical activity in the areas of movement and sporting skills, fitness and well being. Consultation is currently taking place on the curriculum standards and curriculum accountability section of the SACSA framework. This will lead to improved reporting of student achievement of learning outcomes including those in physical education and sport.
- A state working party on physical activity was formed in 1998 as part of the Active Australia initiative. The working party will be reporting to the Premier and Cabinet in the near future regarding a coordinated approach to physical activity across the community, which includes strategies and programs that will specifically address the needs of young people. Topics to be addressed by the working party include out of hours sport.

4. The Department of Education, Training and Employment is a key partner in the development of a state physical activity Strategy that aims to facilitate and support an increase in lifelong participation in physical activity by all South Australians.'

ON-LINE GAMBLING

In reply to **Hon. NICK XENOPHON** (24 May).

The Hon. R.I. LUCAS: I have already responded to questions 1 and 3 asked by the honourable member on the day they were asked.

The Minister for Government Enterprises has provided the following information:

2. The South Australian Totalisator Agency Board (SA TAB) has an internet site on which it offers its products. The Lotteries Commission of South Australia (SA Lotteries) has an internet site and is in the process of establishing a facility to offer its products on the internet.

As the Treasurer has previously indicated, there is significant uncertainty as to the nature and scope of the commonwealth moratorium and the commonwealth is currently undertaking a consultative process to determine its content. On that basis it is unclear whether the commonwealth's proposed moratorium will impact on SA TAB's and SA Lotteries' further development of its Internet facilities. It is noted that many of their interstate counterparts operate on the Internet so the government would hope for an equitable outcome.

4. Please refer to answer 2 (above).

CLIPSAL 500 CAR RACE

In reply to **Hon. T.G. CAMERON** (4 April).

The Hon. R.I. LUCAS: The Minister for Tourism has provided the following information:

All road closures associated with the staging of the Clipsal 500 in Adelaide are undertaken following consultation with the South Australian police, Transport SA, Passenger Transport Board and

local councils. The timing of the closure of the roads for the event is exactly the same as that which occurred in the days of the Grand Prix.

Management of the traffic flows is undertaken by Transport SA utilising their integrated computerised traffic management system. These systems are continually adjusted by Transport SA personnel to maximise traffic flows throughout the city, which is considered to be more effective than manual police operations.

South Australian police attend individual major intersections that do not have traffic lights or remote monitoring systems and also attend particular incidents or problems.

The traffic congestion this year is greater than last year, primarily due to the fact that the Sensational Adelaide 500 race in 1999 was staged during the school holidays.

With the Olympic Games this year, school holidays have changed and therefore the 2000 Clipsal 500 was staged at a time of normal traffic flows. It is anticipated that the 2001 race will again fall within the school holiday period reducing pressure on the roads.

The South Australian police have advised that the traffic congestion is no worse than that which occurred during the days of the Grand Prix. Further, despite significant publicity, traffic congestion is always worst on the first business day following road closures and significantly improves during the week as the public recognise and understand the effect of the road closures, find alternative routes and/or leave home 15 or 20 minutes earlier than they otherwise would.

Roads were completely clear of Clipsal 500 infrastructure in accordance with the following schedule:

Road	2000 Build	1999 Build
Hutt Street	5.15 pm one day after event	7 pm one day after event
Dequetteville Terrace	2 pm three days after event	5 pm 12 days after event
Bartels Road	4 pm seven days after event	5 pm 14 days after event
Wakefield Road	12 pm three days after event	7 pm four days after event

I firmly believe we should always be looking at ways to improve both our traffic management and construction programs and will expect this to be fully considered during the event debriefing process.

The Le Mans circuit will require similar though not identical road closures as the Clipsal 500.

The Le Mans circuit utilises the full Adelaide street circuit, with the track coming down Rundle Road in lieu of Bartels Road.

Bartels Road will be able to remain open up until approximately 24 hours prior to the Le Mans race. However, Rundle Road will be closed. The government has already commenced discussions with interested parties such as the Retail Traders Association and methods for maintaining city access for as long as possible are being examined.

Overall the volume of traffic at that time of year will be less due to both school holidays and the fact that a very significant number of people take leave at that time.

The traffic management plan for the Le Mans event will be put together by a committee comprising representatives from the Adelaide City Council, the City of Norwood, Payneham and St Peters and Burnside City Council, South Australian Police, Passenger Transport Board, Transport SA and event organisers. This plan will be put together following further discussions with interested parties such as the Retail Traders Association.

This is the same procedure as was undertaken during the Formula One Grand Prix.

TAB AND LOTTERIES COMMISSION

In reply to **Hon. M.J. ELLIOTT** (12 April).

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following information:

1. The government does not intend to release the scoping studies for SA TAB and SA Lotteries.

The scoping reports were commissioned by the government to identify and assess the financial and commercial risks to government of ownership of SA TAB and SA Lotteries and to assist in determining the government's future relationship with, and future directions of, the organisations.

The Reports contain commercially sensitive information—including possible sale prices and strategies—which could adversely impact upon any sale process and, consequently, the value of the businesses, if released publicly.

2. The SA TAB and SA Lotteries Scoping Studies were undertaken by Macquarie Corporate Finance and Bankers Trust Wolfensohn respectively and were completed in May 1998.

Final cost of the SA TAB scoping review was $129 800 and final cost of the SA Lotteries scoping Review was $133 200.

3. The sale of SA TAB and SA Lotteries is primarily aimed at enabling the businesses to remain competitive in a changing market, which will prove increasingly difficult while these entities remain owned by government.

In the context of the state Budget, it is important to recognise that with the risk environment for the businesses changing, there is no certainty whatsoever that the businesses would be able to contribute to the Budget at current levels in the future.

By selling SA TAB and SA Lotteries now, before emerging risks impact significantly on their performance and contribution to the Budget, the government will be able to achieve maximum value for the taxpayers of South Australia.

Following the sales, the Budget would benefit from much lower-risk tax revenues along with interest savings on debt retirement.

Accordingly, the government has indicated that it will proceed with a sale of SA TAB and SA Lotteries only if the resulting overall benefit to taxpayers is assessed as being greater than the value of the businesses under continued government ownership.

4. The government confirmed when announcing the sale of SA TAB and SA Lotteries that its decision on a preferred purchaser would be based on a number of factors. Price will not be the only important factor, other issues such as employment, are also very important considerations in the selection process.

The government will be encouraging bids that identify opportunities for ongoing development of the businesses and there is every possibility that this could result in additional employment.

I take this opportunity to correct the honourable member's original question. SA TAB and SA Lotteries have a total of 673 employees not the, 'well over 700' suggested by the honourable member.

The government is currently negotiating with SA TAB and SA Lotteries employee representatives to mutually agree transition arrangements for employees as part of the sale of the businesses.

The government's current offer to employee representatives on the Human Resource principles to apply during a sale includes specific provisions for a guaranteed period of employment for staff transferring to the new employer.

These principles are still being discussed with the Employee Representatives and it is therefore inappropriate, at this time, to discuss the offer in more detail.

MURRAY RIVER

In reply to **Hon. M.J. ELLIOTT** (31 May).

The Hon. R.I. LUCAS: The Minister for Water Resources has provided the following information:

1. Sustainable management of the River Murray in South Australia cannot be defined in just terms of a volume of water.

South Australia has negotiated a security entitlement flow of 1 850 gigalitres per year and this minimum volume will be received in all but years of extreme drought.

Most years we will receive substantially more than this required minimum. The Murray mouth median flow is estimated to be 4 100 gigalitres per year.

However, more critical than the annual volume of water received is the frequency of flood and high flow events. The South Australian government is actively participating in the Environmental Flows program being negotiated through the Murray-Darling Basin Commission. Through this process, the environmental flow requirements of the floodplain, wetlands and the river in South Australia will be addressed.

Much work has already been done in terms of defining what flows are required to provide water to the different wetlands and floodplain areas. However, changes or savings within South Australia alone cannot bring about the changes to the flow regime required.

2. Making the most efficient use of our water resources is a critical component of their effective management. Through major infrastructure projects such as the rehabilitation of the Loxton Irrigation District, Primary Industries and Resources SA's Irrigated Crop Management Service and the River Murray Catchment Water Management Board's irrigation efficiency programs, significant improvements in irrigation and water delivery efficiency have already been made. For example the current program of rehabilitation of the Loxton Irrigation District will generate 4.8 gigalitres of water savings. A large proportion of these water savings will be returned to the river. Programs such as these will continue with the strong support of the government.

3. The government's commitment to improved water management is already evident by this government's commitment to programs like the Qualco-Sunlands Groundwater Control Scheme. The South Australian government has committed $2.85 million to this major infrastructure project to ensure the sustainable management of an important irrigation area. This government is working with the local community to encourage efficient use of water within a climate of ensuring that the external impacts of irrigation are eliminated.

TRADE OFFICES

In reply to **Hon. J.F. STEFANI** (2 May).

The Hon. R.I. LUCAS: The following table summarises the locations and 1999-2000 and 2000-01 budget allocations to cover total operating costs of South Australian government overseas representative offices:

Location	1999-2000 (AUD)	2000-01 (AUD)
China		
- Beijing	310 000	510 000
- Jinan	130 000	130 000
- Shanghai	520 000	520 000
Hong Kong	800 000	780 000
Indonesia		
- Jakarta	375 000	325 000
- Bandung	125 000	85 000
Singapore	755 000	705 000
Malaysia	170 000	170 000
Japan		
- Tokyo	1 175 000	1 030 000
The Philippines *		
- Manila	100 000	N/A
United States of America **		
- San Francisco	110 000	N/A
United Arab Emirates ***		
- Dubai	N/A	400 000
United Kingdom		
- London (Agent General)	993 000	1 122 000
Total	5 563 000	5 777 000

*The Manila-based representative has returned to Adelaide.

**The employment agreement with the US-based representative expired on 31 January 2000

***The arrangement in Dubai for 1999/2000 is on a fee-for-service basis. No specific budget was allocated

Budget for the Agent General's office is allocated from the Department of Premier and Cabinet and the remaining offices are funded from within Department of Industry and Trade allocations.

TRANSGRID

In reply to **Hon. CAROLINE SCHAEFER** (28 March).

The Hon. R.I. LUCAS:

1. The state government influence in relation to which company will provide a new interconnector to South Australia is restricted to the role established under the planning approval process. Regulatory approvals are the responsibility of the ACCC and NEMMCO while licensing is the responsibility of the South Australian Independent Industry Regulator. Each of the processes are set out below.

The Development Act 1993 deals with the manner in which proposed developments are to be assessed. The act sets out the information to be provided with the development application, the process to be followed and the matters to be considered in assessing the application.

There are four development approval processes available under the Development Act:

1. Normal development approval process;
2. Major development approval process;
3. Crown development approval process; and
4. Electricity infrastructure development approval process.

The TransGrid project has major development status and is currently in its public consultation phase as required by the Development Act. The TransEnergie project has Crown development status, with the Department of Treasury and Finance acting as the project proponent.

Under the major development approval process, the project proponent must apply to the Minister for Transport and Urban Planning for major development status. This status is usually given to developments that will potentially have a large environmental impact on the area in which the development is being undertaken. The major development approval process involves a large degree of public consultation and an environmental assessment. This process would normally take a minimum of 9 to 12 months. The process is very comprehensive and is not subject to a third party appeal mechanism once a final decision on the application has been made by the Governor.

For a private project to obtain Crown development status, it must be classified as public infrastructure and must be initiated or supported and endorsed by a state government agency. Once a state government agency endorses the project, that agency becomes a project proponent and is responsible for the lodgement of the development application with the Development Assessment Commission. The commission will then consult with the relevant councils and any government agencies that may be affected by the proposed development. The decision whether or not to approve the development rests with the Minister for Transport and Urban Planning and is not subject to a third party appeal mechanism. If the project requires a detailed, intensive environmental assessment, the process can be given major development status, in which case the major development approval process will apply.

Although the Development Act limits the rights of third parties to appeal on the merits of any proposed development, decisions whether to grant approvals under both the major development approval process and the Crown development approval process can still be the subject of judicial review on administrative law grounds.

Interconnectors may be either regulated or unregulated. By virtue of the National Electricity Code, it is the ACCC which has the responsibility for determining whether or not an interconnector should be granted regulated status (this determination must be made in accordance with a test approved by the ACCC and implemented by the Inter-regional Planning Council and NEMMCO). Each of the jurisdictions which participates in the National Electricity Market has a representative on the Inter-regional Planning Council. In the case of South Australia, this representative is drawn from the South Australian Electricity Supply Industry Planning Council. Anyone can propose and build a non-regulated interconnector, with no approvals required from the ACCC.

Finally, the holder of a licence under the Electricity Act 1996 may enter land for the purposes of conducting surveys or assessing the suitability of the land for the construction of electricity infrastructure. However, it may only do so without the agreement of the occupier of the land if the Treasurer (as the minister responsible for the Electricity Act) authorises that entry. Moreover, the holder of such a licence may acquire land by compulsory acquisition under the Land Acquisition Act 1969, but again only if the acquisition is authorised by the Treasurer.

The issue of licences (including transmission licences) is the jurisdiction of the South Australian Independent Industry Regulator, who is independent of the government. The Independent Industry Regulator may decide to issue a transmission licence to an entity in relation to a proposed transmission line and so enable that entity (with the approval of the Treasurer) to exercise the powers described above for the purposes of undertaking work and acquiring land in preparation for the construction of the transmission line.

2. As described above it is the government which in the end must determine the development applications submitted for both the TransGrid and the TransEnergie projects. The government cannot force an applicant to change the route of a proposed transmission line, although it may be in a position to impose conditions on an approval which have the effect of altering the location of the line within the corridors outlined in the development application. If the route is

unacceptable on an environmental planning basis, the development application could be rejected. All development applications are considered separately on their merits.

3. Refer to the answer provided to question 1.

4. The effect of the southern route proposed by TransGrid on the state food plan is a matter which may relevantly be taken into account in the assessment of the development application made by TransGrid.

In reply to **Hon. NICK XENOPHON** (28 March). Supplementary question to Hon. Caroline Schaefer.

The Hon. R.I. LUCAS: Analysis undertaken by ERSU and its advisers is that the effect on spot market prices of a regulated versus non-regulated interconnector with New South Wales is likely to be very similar.

A non-regulated interconnector will have an economic incentive to offer its capacity in the market so as to maximise the flow across its line when price differences exist between the regions so as to maximise revenues (flow (MWh) times price differentials).

A non-regulated interconnector will have a strong incentive to maintain capacity during peak price periods, as this is when the interconnector will earn its profits. In comparison, a regulated interconnector has limited incentive to avoid outages at peak price periods. It is outages of the Heywood interconnector, whether scheduled by the NSP or by NEMMCO, that has caused many of the price spikes in South Australia.

Like a generator, a non-regulated interconnector has the potential to remove capacity from the market to raise regional price differentials, but this can be done only with a loss of flow volume and therefore revenue. However, at most demand levels, the interconnector does not set prices in the importing region and is therefore infra-marginal and would bid so that it remains fully loaded. This results in a similar price outcome as what would be achieved with a regulated interconnector.

A new 200 MW interconnector, whether regulated or non-regulated, would have an impact on the spot market. Base load generators such as the Northern Power Station would be on the margin a bit more in low demand periods and the peaking generators (such as Synergen) would be on the margin a bit less at high demand period. Both of these changes would lower average prices. Generally, the Torrens Island Power Station is the generator on the margin and setting the price in South Australia. Pelican Point will be shortly adding another 500 MW of capacity that is expected to have marginal costs somewhere between the Northern and Torrens Island Power Stations, further reducing the potential for an interconnector to be at the margin.

However, a significant advantage of a non-regulated interconnector is that it places no up-front costs on taxpayers or consumers of South Australia, with all the costs and risks being borne by the proponents of the project.

It has been estimated that the proposed Transgrid regulated interconnector will impose transmission system charges on South Australian consumers of $15 to $20 million per year. This would continue for the life of the assets, even if the interconnector were not used due to increased generation in South Australia. In comparison, the risk of new generation would be fully borne by the owners of a non-regulated interconnector.

In addition, it is expected that a non-regulated interconnector would seek to make long-term firm transmission capacity contracts available, which should allow contracts between South Australian customers/retailers and NSW generators to be negotiated, increasing competitive pressure in the retail market. The Transgrid proposal would only allow for short-term non-firm interregional hedges to be available through NEMMCO settlements residue auction, potentially reducing the liquidity of the contract market in South Australia.

ETSA ROAD SHOW

In reply to **Hon. P. HOLLOWAY** (17 November 1999).

The Hon. R.I. LUCAS: In light of the Auditor-General's report, the probity auditor has asked the Electricity Reform and Sales Unit to provide all marketing material and information provided to bidders in both of the road shows that have been conducted with a view to him reviewing them.

It might be observed that whatever has been said or provided to bidders at road shows is necessarily information that has been provided at a high level of generality and the notion of any potential bidder gaining an advantage or being disadvantaged in the process is extremely remote and indeed highly implausible. The critical information on which bidders base their analyses and bid preparation is the detailed information held in the Data Rooms.

The road show process is an awareness raising exercise, with no real prospect that the essence of any bid will be based on information provided at a road show and give rise to any liability of the government. The legal framework under which bids are received also ensures this.

ELECTRICITY, PRIVATISATION

In reply to **Hon. CAROLYN PICKLES** (17 November 1999).

The Hon. R.I. LUCAS: The probity auditor is independent of the Electricity Reform Sales Unit (ERSU) management process and does not have a formal approval role in relation to any of the ERSU activities. Advice provided by me to the Committee was not correct when I indicated that the probity auditor had to approve bidding rules and other information. I apologise for providing incorrect advice to the Committee. Nevertheless, comment on materials and processes that might give rise to probity issues is sought and as such there is a screening function the probity auditor performs.

The probity auditor does have a responsibility to assess whether the process being followed is fair to all bidders and to report at any time, on any issues, that raise probity concerns with suggestions for addressing those concerns. This is necessarily a proactive role which seeks to assist in preventing probity problems by a screening process rather than the probity auditor passively monitoring events and reporting on them in due course.

The probity auditor is therefore closely involved in monitoring ERSU activities and proposed activities and, for example, provided feedback and advice on the parameters for conducting a road show to satisfy probity parameters. At the end of the project he is required to sign off on probity of all processes and accordingly the probity auditor's views and input are of considerable importance in ERSU's ongoing management of the process.

In terms of the conduct of road shows, it might be observed that whatever has been said or provided to bidders at road shows is necessarily information that has been provided at a high level of generality and the notion of any potential bidder gaining an advantage or being disadvantaged in the process is extremely remote and indeed highly implausible.

The critical information on which bidders base their analyses and bid preparation is the detailed information held in the Data Rooms. The road show process is an awareness raising exercise, with no real prospect that the essence of any bid will be based on information provided at a road show or give rise to any liability of the government. The legal framework under which bids are received also ensures this.

In reply to **Hon. P. HOLLOWAY** (16 November 1999).

The Hon. R.I. LUCAS: The second probity auditor was formally appointed on 10 July 1999. He was briefed on the role and provided with further project information on 12 July by my delegated representative for administering the probity audit arrangements and commenced activity on 15 July 1999.

There was no probity auditor in place for the period from the 22 June 1999 until the second probity auditor took up duties. However, it should be borne in mind that the nature of the probity audit role at these early stages of reactivating the lease process after passing the legislation for leasing of electricity assets on 12 June 1999, was concerned with project familiarisation and review of project documentation rather than requiring any in situ monitoring of activities as such.

It should also be noted that the scope of the current probity auditor's role extends back to inquiring into any matter of relevance to probity whether or not it precedes his engagement.

ETSA PROBITY

In reply to **Hon. CAROLYN PICKLES** (28 October).

The Hon. R.I. LUCAS: The initial probity auditor was chosen in a competitive process after the position was advertised and submissions from interested parties were sought. A subcommittee of the Government's Prudential Management Group carried out the selection process and recommended the contender that was subsequently appointed probity auditor.

The initial probity auditor did not have an actual conflict of interest but, as required by the contract of engagement, notified a potential conflict when one of the firm's long standing clients indicated a possible interest in bidding, contrary to earlier indications they had made when the probity auditor surveyed his clients prior to engage-

ment. Quite simply the client changed its mind. As it turned out, their potential interest never actually matured to the point where they became a bidder and of course no actual conflict of interest ever eventuated.

The government has not failed to check the background of the second probity auditor. The second probity auditor was also examined about conflicts and potential conflicts of interest before engagement and has signed a statutory declaration indicating no conflict of interests.

The second probity auditor's contract also contains a term that the probity auditor must notify any potential conflict of interests so that any possibility becomes identified and resolved at the earliest opportunity.

The two key areas of concern the Auditor-General had in relation to the scope of the probity audit role and the resources available have been dealt with. Amendments were made to the probity auditor's contract to put beyond doubt the probity auditor's ability to examine and report on any matter relevant to probity, even though the government believed the scope of the appointment was already adequate. Furthermore, the government had indicated it was prepared to provide additional resources to the probity auditor and within a short time of the probity auditor indicating a need for further resources, approval was given for him to engage a person to assist him.

Subsequently, a team of a further 10 legal practitioners were appointed and made available to the probity auditor to deploy as he sees fit. The probity auditor therefore now has a total team of 11 professionals available to assist in the probity audit role.

It is important to note that on 28 January 2000 financial close of the lease of ETSA Utilities and the sale of ETSA Power was achieved successfully.

ELECTRICITY, PRIVATISATION

In reply to **Hon. P. HOLLOWAY** (16 November).

The Hon. R.I. LUCAS:

1. As was the case for the selection of the initial probity auditor, the Government's Prudential Management Group arranged to interview prospective subsequent probity auditors. The interviewing panel comprised Mr Kym Kelly, Chief Counsel of the Crown Solicitors Office and chair of the Prudential Management Group, Dr Bernie Lindner, Principal Adviser in Treasury who had supervised the previous probity auditor over the course of more than a year and Ms Giulia Bernardi, Director, Prudential Management Group who provides the executive officer services to the Prudential Management Group.

2. The invitation was limited to four barristers because of a combination of several factors. Firstly, the Prudential Management Group considered that the role of probity auditor in complex matters is best handled by persons with legal expertise, particularly as issues of potential conflicts of interest and court implied warranties of procedural fairness are fundamentally important and are essentially legal concepts. Secondly barristers are sole operators and the prospect of conflicts of interest are far more remote than with large legal firms with numerous retainers and ongoing clients. Thirdly, it was considered important to fill the position as soon as possible and accordingly the resources of the Attorney-General's Department were prevailed upon to quickly identify barristers that they were confident would be competent in this field, potentially available and experienced in government related work. It is also important to note that skills and experience required to undertake a probity audit were in fact a consideration in selecting the probity auditor.

3. The field of probity auditing is a relatively recent development arising from the growth in public sector outsourcing and privatisation in recent years. As such there is not an established profession in this area and the field is still subject to development. Nevertheless the current probity auditor, Mr Simon Stretton, is well equipped to perform the function. He is a practising barrister with a Master of Laws degree from the University of Adelaide specialising in Companies and Securities. He was an associate to the late Justice Dame Roma Mitchell, General Counsel to the NSW Crime Commission, General Counsel to the Independent Commission against Corruption and also a Commissioner with the Australian Securities Commission (now known as the Australian Securities and Investment Commission). He has published or presented a number of articles on integrity of process and prevention of corruption in learned journals and at professional seminars.

4. It must be clearly stated that an actual conflict of interest never arose with the first probity auditor. The matter involved the potential for a conflict of interest when one of the firm's long established clients indicated a possible interest in becoming a bidder for the electricity assets. In fact this client never progressed to becoming an actual bidder and so no conflict actually arose. Under their contractual obligations, the initial probity auditor notified this possibility of a conflict arising and sought a government determination on the matter. This was considered by the Prudential Management Group. It was mutually agreed that the probity auditor would stand aside. It is clearly not possible to avoid the prospect that any large legal firm has ongoing clients who might become interested at some stage in bidding for the government's assets. The notion of approaching barristers as sole operators was therefore pursued to minimise such risks.

GOVERNMENT CONTRACTS

In reply to **Hon. M.J. ELLIOTT** (28 March).

The Hon. R.I. LUCAS: The Attorney-General has provided the following information:

It is the practice of the South Australian government that the terms of contracts entered into by the government are not published on the Internet or otherwise, nor does the government publish a summary of those contracts.

In some instances, the existence of a contract entered into by the government, and some details of its terms, are published, for example by way of media or press releases by the relevant minister.

In the case of significant government contracts, it is common for the party contracting with government to require that government undertake an obligation not to divulge confidential information passing from that party to government and to not divulge the confidential terms contained in the contract.

There is an arrangement between the government and the Opposition under which access is given to Parliamentary Committees to details of outsourcing contracts entered into by the government by way of the provision of a contract summary which is certified by the Auditor-General, but which excludes matters which the Auditor-General has certified as being commercially sensitive. This arrangement has been given a statutory basis by the enactment of section 41A of the Public Finance and Audit Act. However, this arrangement only involves publication of contract summaries to the Parliament, and not to the public at large, and applies only to outsourcing contracts.

ELECTRICITY, PRIVATISATION

In reply to **Hon. P. HOLLOWAY** (10 February).

The Hon. R.I. LUCAS: I provide the following response to the question asked by the honourable member and supplementary questions asked by the Hon. T. Cameron and the Hon. Nick Xenophon respectively:

> Will the Treasurer also explain how augmentation of the gas pipeline and augmentation of the transmission system to Pelican Point will be funded and by whom?

The government will not be funding connection of the new power station to the gas pipeline. It was a requirement of the Request for Proposal that the successful bidder would be responsible for organising this matter. Consequently National Power has arranged physical gas connection to the new power station.

With regard to connection to the electricity transmission system, ElectraNet SA is required by the National Electricity Code to provide access by all generators to the transmission network. The rules upon which access must be provided are set out in the Code.

Furthermore, the principles by which network charges are determined are also set out in the Code.

In other words, following an approach to ElectraNet SA by National Power that its generating output be connected to the electricity transmission system, ElectraNet SA has no alternative but to connect National Power to the electricity transmission system and to charge out the costs of that connection in the manner set out in the National Electricity Code.

A submission was made by ElectraNet SA to the Public Works Committee on this matter. Subsequently, ElectraNet SA advised the Committee that, following detailed design work, project scoping and final costing, the estimated cost of the transmission connection of the Pelican Point Power Station had increased.

In accordance with the National Electricity Code, it has been determined that the new transmission line will have regulated status. Accordingly the total cost of connection to the electricity transmission, at $18.2 million (excluding the costs of LeFevre substation

extension and associated system security improvements), will be apportioned over time between:

- connection charges at $6.7 million, for those assets that are used solely by National Power to connect its power station to the grid;
- through Transmission Use of System charges for that portion of the connection that is shared and used by others, at $11.5 million.

It is emphasised that there is no discretion for the state government to act other than in accordance with the National Electricity Code.

Will the announcement by the Port Adelaide Enfield Council that it intends launching legal action against the construction of Pelican Point, hold up the project and in any way compromise security of supply for electricity here in South Australia?

On Friday 26 February 1999, the Supreme Court heard an application by the City of Port Adelaide Enfield for Judicial Review of the development approval given on 1 February 1999 by the Minister for Transport and Urban Planning for the construction of a power station at Pelican Point. Justice Debelle dismissed the application. Council did not appeal the decision.

In respect of the confidential commercial vesting arrangements and contracts with the generators to which the Treasurer referred, were any of the documents or contracts relating to such confidential vesting contracts and arrangements shown to any of the tenderers for the proposed Pelican Point power station?

The vesting contracts were not provided to any of the bidders for Pelican Point.

At a bidders' conference convened by the Electricity Reform and Sales Unit (ERSU) in October 1998, bidders were given an oral presentation which was a high level overview of the South Australian electricity market. This included a description of how the South Australian vesting contracts would work.

In January 1999 the short-listed bidders for Pelican Point were provided with a written summary of how the vesting contracts would work. This did not include any financial details.

Similar material was provided to all those who took part in the inter-regional settlements residue auctions conducted by the South Australian government at the beginning of 1999.

Since that time, as required by the ACCC, the vesting contracts have been placed on the ACCC web site for public consumption.

Also as required by the ACCC authorisation process, the South Australian government held a one-day public forum on vesting contracts in Adelaide on Monday 16 August 1999. This forum was advertised in the Australian Financial Review. It was attended by the ACCC.

At the forum, advisers from ERSU explained the reasoning behind the construction of the vesting contracts, why they are different to vesting contracts interstate, and the results they were to achieve. The advisers were available for industry and public questioning.

PROBITY AUDITOR

In reply to **Hon. P. HOLLOWAY** (16 November).

The Hon. R.I. LUCAS: It is important to note that the legislation authorising the long term leasing of electricity assets that is the subject of the Auditor-General's report was only passed in Parliament on 12 June 1999. It was a mere 10 days after the legislation passed that the first probity auditor reported a potential conflict of interest on 22 June 1999 and took no further part. Most of the work undertaken by the first probity auditor had been on the Pelican Point project and the Inter Regional Settlement Residue project rather than the current asset lease project. There was therefore nothing of substance for the probity auditor to "sign-off" on. Nevertheless, he was requested to and did in fact provide a "hand over" report for the new probity auditor which set out the status of the work carried out and he further briefed the new probity auditor personally and provided an opportunity for exploring and discussing any issues.

It is also pointed out that the scope of the current probity auditor's role clearly extends back to inquiring into any matter of relevance to probity, whether or not it precedes his engagement. He has been granted access to all reports and sign-offs of the probity auditor in relation to the previous Pelican Point and IRSR projects, should he consider these relevant as a lead up to the current asset disposal process. He has also been authorised to contact the previous probity auditor should he deem it necessary to clarify any issue of probity. In these circumstances, I believe that there is no gap in the probity audit trail as the substance of the lease process has occurred since the engagement of the second probity auditor and he has ample scope and opportunity to review any issues relating to the prior period.

BUS SHELTERS

In reply to **Hon. CAROLYN PICKLES** (13 April).

The Hon. DIANA LAIDLAW: The provision of bus shelters is the responsibility of the relevant local Council, not the state government. Subsequently, it is up to the Council to determine whether or not it is possible to provide a shelter.

The majority of local Councils have a contract with Adshel to replace existing shelters with new shelters. It appears, however, that there is a misconception that the old shelters are discarded after removal. Generally, these shelters are re-installed at other bus stops which are in need of a shelter.

In the case of Mitcham Resthaven, Mitcham City Council had, at the time, a damaged bus shelter in its possession. At the request of the Passenger Transport Board (PTB) and Mitcham Resthaven, Mitcham Council agreed to repair this shelter and install it in the nursing home grounds.

However, in regard to the request from Marron Nursing Home, the City of Salisbury has advised that no such shelter is currently available. Also, as there are operational bus stops in the Salisbury area which are in need of bus shelters, Council does not consider that it is appropriate at this time to fund a shelter for a private organisation.

In the meantime, the PTB will continue to assist organisations to contact shelter manufacturers, if and when they are in a position to purchase a shelter for private purposes.

CONTROLLED SUBSTANCES

The Hon. A.J. REDFORD: I seek leave to make a personal explanation about the fact that I was misrepresented on radio this morning.

Leave granted.

The Hon. A.J. REDFORD: Normally when I hear the dulcet tones of the Hon. Michael Elliott on the radio, I turn it off or change the station, but I was a bit slow this morning. The Hon. Michael Elliott was on the radio this morning, talking about last night's vote on the controlled substances regulations in respect of the expiation of offences. During the interview, Mr Elliott said that all members who voted for the disallowance motion last night—and there were 10 of us who did so—supported the principle of increasing the number of plants from three to 10. The Hon. Michael Elliott, in purporting to speak on behalf of those 10 members who supported the motion, misrepresented me, and it is disappointing because he was in the chamber when I made my contribution last night.

An honourable member interjecting:

The Hon. A.J. REDFORD: It was on 5AA.

Members interjecting:

The Hon. A.J. REDFORD: They were asking him questions and he was answering them—incorrectly, as per usual.

The PRESIDENT: Order! If the Hon. Angus Redford has finished making his personal explanation, he can sit down.

The Hon. A.J. REDFORD: No, I have not finished.

The PRESIDENT: Then I ask the honourable member to continue with his personal explanation.

The Hon. SANDRA KANCK: I rise on a point of order, Mr President. The member claims to have been misrepresented on a radio program—not in this chamber.

The PRESIDENT: It was related to what happened in this chamber, as I understand it. There is no point of order.

The Hon. A.J. REDFORD: I invite the member to read *Hansard*, but for those of you who are listening I did not support an increase in the number of plants from three to 10. In fact, I said that I was prepared to support the motion for

disallowance and invited the government to reinstate the regulation for the purpose of enabling the parliament to consider the issue when we return in October. At no stage did I support that. I refer to last night's debate, where I said:

> I am not suggesting that if this is dealt with on a subsequent occasion with more information I will not support the government. I am really only doing this because these issues have been raised. I am not sure what the answer is and this is the best way to keep the issue alive.

I invite the Leader of the Democrats to take a leaf out of the book of the Leader of the Opposition who gave radio interviews and accurately represented my position. He is a disgrace.

The Hon. M.J. ELLIOTT: I seek leave to make a personal explanation in the light of the previous personal explanation.

The PRESIDENT: What is the subject of your personal explanation?

The Hon. M.J. ELLIOTT: The allegations of the Hon. Angus Redford in relation to what he said he heard this morning.

Leave granted.

The Hon. M.J. ELLIOTT: I have not had a chance to read the text of the interview referred to. I had, as a matter of course in a number of interviews this morning, attempted to make the point that there were a range of views held by members who had supported the motion of disallowance and then said that the view that the greater number of those had was the one I expressed. However, I made it quite plain in a number of interviews that there were several who said they might have supported five plants rather than three. I said a number of things. I cannot recall word for word what I said in that interview. I never at any stage tried to represent the views of everybody. If the Hon. Angus Redford took it that way, I apologise. However, I do not acknowledge that that was the precise wording of it but, if it was, I apologise. I do not believe it was because I had, as a matter of course this morning, tried to make it plain that there were a variety of views, as one would expect on a conscience vote.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1481.)

The Hon. T.G. CAMERON: The National Parks and Wildlife—

The PRESIDENT: Order! There is far too much conversation in the chamber. Honourable members not contributing to the debate will please be seated or leave the chamber.

The Hon. T.G. CAMERON: It does not bother me, Mr President, if they do not want to listen. The National Parks and Wildlife Act received royal assent in 1972. Its two purposes were to establish and manage reserves for public benefit and enjoyment, and to provide for the conservation of wildlife in a natural environment. A fauna permit review group was established to address the fauna licensing system and issues in relation to balancing access with protection. The act has undergone competition policy review, which necessitated an examination of legislative and administrative issues. This bill is intended to address those issues without changing the policy of the act.

The issues relate to fauna hunting and taking; permits and royalties; balancing conservation with access; and improving the regulatory framework and administration. The bill allows for royalties for the taking of animals to cover the administrative and care costs. Amounts depend on what classification the animal is given: rare, $50; vulnerable, $75; endangered, $100; and none, $25. It allows keep and sell fauna dealers, kangaroo shooters and processors, hunters, and emu farmers to apply for one, three or five year permits.

The bill specifies the powers of wardens to take blood, DNA, and video and audio evidence with the approval of the Director of National Parks and Wildlife. These powers were not envisaged when the legislation was proclaimed 30 years ago and are necessitated by advancing technology. It clarifies when a person must produce their permit and the making of false and misleading electronic statements. It provides the coverage for reserves under the General Reserves Trust so that no reserve is without a development trust. It also provides for the South Australian National Parks and Wildlife Council to review and make suggestions to the minister on any decision made, provided such concerns are raised with the council by people affected by a decision of the minister. It allows the Wildlife Conservation Fund to accrue interest and funds for animals seized and sold to be paid directly into it. It enables a fee, bond or other charge to be imposed as part of a lease, licence or other agreement that permits specified uses of a reserve. This was introduced to enable an environmental bond to be imposed to give security for any environmental damage that is caused.

The amendment to section 51A by clause 17, namely the extension of the sunset clause allowing species to be culled when regulations permit it, has been a point of controversy in the chamber. The Australian Democrats, through the Hon. Mike Elliott, have raised concerns about extending the clause for another five years. Their concerns are based on the fact that a report is being issued by the Environment, Resources and Development Committee about the interaction of native animals and vegetation. They believe it is inappropriate to vote on this legislation before the committee reports back.

At this stage, it is the intention of SA First to support the government legislation. I have had discussions with the minister regarding my opposing clause 17 and it is my intention to support the second reading and make a contribution under clause 17. I support the second reading and indicate that at this stage that I will be supporting the bill in its entirety.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

RACING (CONTROLLING AUTHORITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 July. Page 1601.)

The Hon. T.G. CAMERON: I support the legislation before the Council. I am not aware of any amendments that have been lodged in relation to the bill, so at this stage I indicate that I will support the bill in its entirety. I apologise to members of the Legislative Council, because I do not have

a prepared speech. It was my view that, because of the importance of this legislation, I should prepare a detailed speech in relation to it but, unfortunately, time has not permitted me to do that. So, if I jump around a little on this contribution, I ask members to please bear with me.

I read with interest the contributions by the Hon. Iain Evans and the shadow minister, Michael Wright, and I am going to be critical of Minister Evans. The minister did not even make a second reading speech: instead, he tabled a speech of less than 10 minutes. That contrasted quite strongly with the contribution made by Michael Wright, which went for three hours and 10 minutes. I understand that he was somewhat peeved that he was not able to break the parliamentary record. But, as I explained to him, that is life. As has been pointed out to me on a number of occasions (and as the Hon. Legh Davis has pointed out to me, hopefully, in a jocular fashion), quantity is no substitute for quality. However, I make the point here—and I am deadly serious—that this is watermark legislation for the racing industry, and I feel that the minister should have made a much more detailed contribution in his second reading and should have responded more fully when the bill was in the committee stage and in his summing up. I make these statements on the record: I do not do it behind the minister's back, because I have already told him of my view.

I have warned members that I would jump around a little, because the speech notes that I am reading from were written last week, when the position that I had arrived at was to oppose this legislation. But a few people have done a bit of work on me between now and then—

The Hon. P. Holloway: Then and now.

The Hon. T.G. CAMERON: Thank you, Mr Holloway. I only got to third year English, so I apologise for my grammar at times. In my notes I have written: 'I am afraid that I will need a lot more information than that contained in the minister's contribution before I am prepared to support this legislation.' However, I am pleased to say that I must have sent off 30 or 40 questions to the minister's office in relation to concerns that I had about the legislation and, fortunately, most of the concerns that I had were able to be adequately covered in the minister's detailed responses, which cover some 20 pages. But I do not resile from the point that it should not have been necessary for me to ask so many questions or to seek so much information. The minister and this government ought to be more forthcoming in their second reading contributions. It is not good enough to merely parade a skeleton in front of members and expect that they will have their bellies tickled and roll over and support the legislation.

However, to inject a little balance into my contribution, the Hon. Iain Evans did engage me in a detailed debate over the past week. Because time is getting away from us, I do not intend to canvass in my contribution all the questions that I put to the minister: suffice it to say that the minister readily answered all the doubts, reservations and questions that I had. It is a welcome change to send off a fax to a minister of the government with a whole series of questions outlined and, by the time you get back to your office from this chamber, the answers are sitting there waiting for you. So, I record my appreciation to the minister for tolerating me over the past week or two, as I have driven him mad over this bill.

It is also necessary for me to briefly canvass the process undertaken by the minister with respect to the various codes in the industry. I have received a number of complaints about the consultative process: people have complained that it was not long enough or not inclusive enough. I do not accept either of these criticisms. At various stages of this legislation I have spoken to a whole range of people, too many to mention here—although I think it is appropriate that I name some of the people to whom I have spoken. I spoke to Michael Birchall for a couple of hours. I attended a luncheon organised by the Hon. Angus Redford which John Cameron, Travis McLeay and Peter Lewis attended, and I thank them for that. It was good to catch up with Travis McLeay. He is the son of a former federal Liberal minister, and I used to associate with him in my younger days.

To clarify that, we used to play cards together, and for quite reasonable stakes, too, and they were during the days when I was an active attender at race meetings. In fact, I can recall one evening when, as people who play cards do, we were talking about famous racehorses and there was a spirited debate under way as to who was the best racehorse that had won the Melbourne Cup. Naturally, being a bit of a loyalist I was arguing that Galilee was one of the most outstanding gallopers from South Australia ever to win a Melbourne Cup.

The Hon. L.H. Davis: In 1966.

The Hon. T.G. CAMERON: In 1966. But a young man there by the name of Peter Tyson, whom I have not seen for 30 years, was arguing quite strongly that Red Handed was, in his opinion, one of the best racehorses ever to win a Melbourne Cup—and you will have to listen carefully to what I say here. I disagreed with him and told him that I thought that Red Handed was one of the biggest dogs that had ever won a Melbourne Cup—but that was only because I had lost a lot of money on Red Handed in that Melbourne Cup. I saw the pained look spread across Peter Tyson's face; he got up from the cardtable, walked over to the mantelpiece and brought back a cup and put it on the table, and said, 'Well, this is why I quite like Red Handed.' It was the Melbourne Cup, of course, that Red Handed had won. Needless to say, I was somewhat embarrassed.

I have consulted with a whole range of people, from the greyhound industry, from the trotting industry, and from the group that I would call the racing codes action group, who I understand are opposed to this bill going through at this stage. Apart from the ETSA bill, with all the people whom I spoke to this was probably one of the broadest consultative processes that I have undertaken on a piece of legislation. I am glad that I did because that search eventually convinced me that the right thing to do was to go ahead and corporatise the racing codes. But I spoke to Graham Inns; I spoke to John Glaetz from the Onkaparinga Racing Club; I spoke to David Balfour, to Ron Morgan, and many others too numerous to mention. I thank them for their advice.

The one single thing that came through in all of the advice that I received in relation to this bill was that nobody was opposing corporatisation—the harness racing code, the greyhound code, the thoroughbred racing code, or galloping code as I often refer to it, and, interestingly enough, in respect of the Australian Labor Party, the Australian Democrats, and all of the Independents to whom I spoke—whether or not they subsequently go ahead and support this bill is another matter—not one person opposes the corporatisation of the racing codes. I can say that with a deal of confidence, because for every 'dissident', if I can use that term, but I do not mean it in a derogatory way, I specifically asked, 'Are you opposed to corporatisation or are you against it, or are you opposed to the model that they have drawn up?'

Everybody to whom I spoke said that they supported the concept of corporatisation, but they had a problem with the model, and, more importantly, as I was able to discern as I

travelled my way through the debate, the real opposition was coming from people who would not end up on the respective corporations that would run racing in future, if this bill passes. I think it is important to put that on the record. Whilst I am doing that I will also put a couple of other things on the record.

I read the final draft of the constitutions for the racing codes, and I do not know how many members of this place did that, but the constitutions were prepared by the solicitors Brown and Co. from Victoria, for the racing clubs, or SAJC, and Phillips Fox, South Australian lawyers. It is not that I have had much experience in drawing up constitutions for corporatised sporting organisations, but I read all of the constitutions and they are excellent documents. I was somewhat puzzled by the phraseology used at certain times, but when it was explained to me by the codes and by the minister I could see the rationale and the reasoning behind it, and I would urge all members of this place, particularly those who intend voting against this bill, to have a look at the constitutions. I think they set an excellent framework for the corporatised racing codes to operate in.

In fact, I was so impressed by the constitutions that I sought commitments from the minister in relation to them. A concern that I had was that if this bill was passed there was nothing there between now and October, if and when the TAB is sold, to prevent the racing codes from changing their constitutions. But I have received an undertaking from the minister, in writing, which I will be pleased to provide to anybody who wants to have a look at it, that the draft constitution cannot be amended except in a couple of circumstances, and I was pleased to get that undertaking from the minister.

If members have not read the constitutions I would urge them to do so. I believe that it would have been appropriate to table the constitutions in the parliament. But those constitutions will stay in their current form. The only variation to that may be that the company to be set up to cover the thoroughbred code may be changed from Racing SA Pty Ltd to Thoroughbred Racing SA Pty Ltd.

In addition to that, for the life of me, I cannot understand why the harness racing industry does not want the extra guernsey on the advisory committee that has been set up for that industry. I do not know whether it is petulance on the part of harness racing. I do not know whether it is a problem associated with Globe Derby Park. But as part of my support for this legislation there will be a provision to allow the draft constitution to cover the harness racing to be varied. I understand that it was offered an additional guernsey on that committee. For the life of me, I cannot understand why it is not accepting it. But that opportunity will be kept open. As I understand it, Mr Ian McEwen has already been appointed by an overwhelming majority to be the chair of that body. I would still like to see that in place, and that is part of the condition. In simple terms, there is an extra guernsey there for it, and I urge it to look at that. It will be kept open for a number of days. If it so desires, it can call a special meeting and get an extra guernsey on that body.

I refer to some of the main features of the legislation. The bill will allow the minister, by order, to distribute the RIDA fund as at the date of commencement to the codes. No further information was provided, so I put a number of questions to the minister; they have been answered, and at this point I am satisfied as to those queries. I would like to turn briefly to the contribution of Michael Wright, whose marathon three hour speech—

The Hon. T.G. Roberts: A flower farm speech.

The Hon. T.G. CAMERON: As the interjector said, it was a flower farm speech. Members of this chamber will know that I have known Michael Wright since I was a little tacker. I can recall on the odd occasion, as children will do, teasing him. He was probably too young to remember that. Michael was very critical of the Liberal government's performance, particularly the two ministers, Iain Evans, the current minister, and Graham Ingerson, the previous minister. There is merit in the complaints that Michael Wright addressed, but I do not intend to canvass them in this contribution.

However, from my point of view, successive governments, both Labor and Liberal, have failed the racing codes. I think that has been going on now for some 10 to 15 years. I clarify my remarks. The last Labor member of parliament who was in a position of real influence, who understood and who was a real friend of the racing industry was the late Jack Wright.

It would be remiss of me not to mention the Hon. Ron Roberts: I hope he does not mind. The Hon. Ron Roberts—and I have shared many a conversation with him—has a real love of the harness racing industry which goes back many decades, and it is related to his family. I have no doubt about his sincerity or compassion in the contribution he made to the parliament. I also include the Hon. Ron Roberts as being probably the only Labor member of parliament, along with Michael Wright, who really does understand and appreciate the industry.

Michael Wright went on to say in his contribution that the industry is up in arms, and he talked about bringing floats to Parliament House because it had been left in the dark, but I have not seen any floats yet. I have picked up a concern about the process. In fact, a lot of the criticism that I have received has been somewhat muted. Whilst it is people's right to lobby, there has been an orchestrated campaign to hold up the bill, and in a moment I will come to why I am not prepared to do that.

The complaints were not about the quantum of moneys that have been agreed to to give to the industry, although I did pick up some concerns from the greyhound industry. It would appear that the greyhound industry is not receiving its proportional representation share of the disbursement of TAB revenues. I understand that it gets 9 per cent, yet its contribution to the TAB float is some 12 per cent or 13 per cent. I have made some inquiries and I have ascertained that currently negotiations are under way among the three racing codes to look at the disbursement of those funds.

On face value it would appear to me to be a very simple matter—that the thoroughbred racing industry is receiving more than its fair share, the greyhound industry is receiving less than its fair share, and I think there is an arguable case in relation to the harness racing industry. I understand that those negotiations will continue, but I place on the record that I believe that the current distribution is unfair to the greyhound industry.

I would like to see that distribution increased, and any support that I might give to the subsequent sale of the TAB could hinge on whether or not the racing codes have been able to sort it out themselves and reach an amicable agreement. If they have not been able to reach an amicable agreement, the only condition under which I would support the privatisation of the TAB would be if that matter was handed over to an independent tribunal to be sorted out.

I am not indicating what that result should be or how they should go about it but, if the racing codes cannot agree and

the government is fair dinkum about corporatising, then I do not think the government at the eleventh hour should come in and impose a new regime on the racing industry. If we are to take the politics out of it, then let us hand the matter over to an independent tribunal. I have made those views known to the racing minister and, whilst he was noncommittal, the body language indicated that he might agree with me on that matter.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: I realise that. The Hon. Ron Roberts just interjected and said that the minister has appointed the people who are to sit on that committee. I accept that. However, they are representatives of the greyhound industry, the harness racing industry and the thoroughbred industry. I feel quite confident that any agreements that are reached amongst those three codes would have the support of their respective codes.

I make my position quite clear. I am not suggesting that the three codes, if they reach agreement, will be happy with it: I want to see the agreement that is reached supported by each of the codes. I think that will inject a little more equity into the process. As part and parcel of the process of reaching a final decision on the matter, I looked at the reports and balance sheets of the three racing codes for the past three years. I urge members, if they are in any doubt as to what trouble the racing codes are in and if they can read a balance sheet (and I know that might test some of them), to look at the balance sheets of the past three years for the racing codes.

They will come to two conclusions: first, the thoroughbred racing code and the harness racing code are in deep trouble; and the greyhound code, whilst it is still in trouble, has done some very good work in the past few years to inject a bit of profitability back into that organisation. I am not sure where or how that has come about: that is not clear from the balance sheet. I suspect that it has a bit to do with some financial discipline and rigour that Graham Inns injected into the area. I also had a look at the South Australian racing industry heads of agreement regarding the TAB privatisation and, because of commercial confidentiality, I am not able to refer to that.

There are a number of other issues that I want to canvass briefly and I am not going to miss the opportunity to place a few of these things on the record. In the discussions that I had with a number of people, I was accused on a couple of occasions, when I did not agree with what the callers wanted to know, of not knowing anything about the racing, harness racing and greyhound racing industry. It was suggested that I get out of this place and find out a little bit more about it. I do not profess to have a detailed knowledge of the racing codes but, for those people who levelled that criticism at me, I believe that I have more knowledge than perhaps any other person in this chamber, with the exception of the Hon. Ron Roberts, so I will indulge myself and briefly traverse some of my experiences. I first started going to the races with my late father and people like Jack Wright, Reg Groth and Keith Plunkett—all former members of another place.

The Hon. T.G. Roberts: Kevin Tinson.

The Hon. T.G. CAMERON: Yes, I have even been to the races with Kevin Tinson, although I would never follow his tips.

The Hon. R.R. Roberts: He chased you around the track one day and almost caught you.

The Hon. T.G. CAMERON: He was having a bad day and that is why I was running away from him. I knew what he wanted me for. Be that as it may, we are still mates. I used to go to the races occasionally with my late father. He was a shearer, as were all the former members of parliament whom I mentioned. One whom I forgot was the late Jim Dunford. I recall going to the Earl of Zetland nearly every Saturday.

The Hon. T.G. Roberts: You couldn't recall going home.

The Hon. T.G. CAMERON: No, I was only eight or nine years old, so I used to get raspberries and be told to sit in the corner, which I did not mind because it was a day out. I recall being puzzled about who the bloke was in the corner that they would go over and have a quiet chat to, or they would talk to him, go out the back and then come back in. About 10 or 15 minutes later, my father or some of his mates would cheer as a particular horse won the latest race. I recall asking my father about him and he just said, 'He is a friend of ours.' When I grew up I discovered that he was the SP bookmaker. That was in the days when we did not have a TAB.

Not only did I go to the races with my father but on Saturday afternoons when the races were at Cheltenham I would sneak over to the back of the course where the train line is because there was a special little spot where the fence was easy to climb. We used to climb the fence and I would supplement my meagre rations of pocket money by collecting bottles. Members are probably wondering why I am telling them all this. I did that for many years and I picked up a love of both the racing and trotting industry because occasionally I would sneak out and go down to the trots.

I confess that I do not go to the races anywhere near as often as I used to, and that is probably related to the fact that I learnt at a very early age that it is pretty hard to beat the bookies and to beat the government when it is taking 17 per cent to 18 per cent out of every bet. For those members who are not attendees at race meetings, I can say that a day at the races is a wonderful outing. I can appreciate why people like the Hon. Ron Roberts get a buzz out of going along to the races.

Horses are, without a doubt, one of God's gifts to humankind when it comes to animals—the smell, the atmosphere, walking through the bookies corridor. I am sad to say that there are nowhere near the number of bookies at the races that there used to be. I used to know Jim O'Connor from my old Labor Party days and a whole bunch of bookies. The bookie that I know these days is Jim Easom. Unfortunately, bookies are a dying breed and I would like to see governments do more in relation to ensuring that they have an ongoing place at racing meetings. They add colour and atmosphere and they are very much needed. Whilst I respect the TAB, if I want to place a bet, I like to know what odds I get and I like to place my bet with a bookie, so I know how much I am going to win.

When I grew up (and some would say that I still have not grown up), I would regularly go to the trots. I would knock off work from the gas company at 5 o'clock on Friday night, we would start playing cards at 6 o'clock, we would often go right through the night, play until about 11 o'clock, shower, dress and then we would be off to the races. If we had any money left, we would go to the trots that night, and I have seen some marvellous champions over the years at all our metropolitan racing tracks as well as at Wayville.

I probably would still go to the trots from time to time if they were held at Wayville, and that is where the industry made an error in going to Globe Derby Park. I have been there a few times but, when you live in the Hills, it is a long way to go. I can still recall champions like Bon Adios and Pale Face Adios racing at Wayville. The only problem was that, if a good horse got in front, it was pretty hard to get in front of it.

I used to go to the greyhounds as well with an old mate of mine, Terry Callaghan, and his brother Laurie Callaghan. Terry Callaghan was a great mate but I lost contact with him when I left the gas company. I used to love going to the dogs with Terry Callaghan. I used to bet concession in those days and, if Terry gave you five tips and told to you back them concession at the dogs, they did not all win but I can assure members that five out of five would finish in the top three and you would get your money back. I never lost when I went to the greyhounds with Terry Callaghan. He is a trainer and I congratulate both him and his brother on their recent success.

In addition, I spent some 9½ years working with the Australian Workers Union as an industrial advocate. It was my responsibility to look after the horse training award that covered strappers and stable hands and to look after the racecourse groundsmen's award which covered the groundsmen who looked after the racing courses. I looked after that industry for nine years and I am pleased to see that the current committee of the SAJC is different from the committee that was in charge of the industry when, on one occasion when pursuing an industrial dispute, the SAJC saw fit to have me thrown in gaol. I was there for only a couple of minutes or so. From memory, it was Paul Dunstan, Les Birch, Jimmy Hughes John Thomas, who is now President of the AWU, and me. They might have got their way on the Saturday and they had us locked up, but I can assure members that, when we went back to the Industrial Commission on Monday, they were reminded that there might be not half a dozen of us there next time but 300. Commonsense prevailed and we were successful in getting our log of claims processed by the Industrial Commission.

I apologise if I have bored members of the chamber with that outline, but I did want to impress upon members that, whilst I am not a regular race goer as is the Hon. Ron Roberts or the Hon. Angus Redford, I do love the industry. Some people have often said to me, 'Why would you like greyhounds?' Obviously, they have never had much to do with greyhounds. I used to walk greyhounds with Terry Callaghan. They are a wonderful animal and they have a wonderful disposition: indeed, they are a sight to behold when let loose in an open space and they run and play with each other. There is something about the sport of racing which got into my blood at a very early age and still is not out of it.

I did promise that I would end by 4.30 p.m., and there are a few other things that I would like to say. First, whilst I had nothing whatsoever to do with the process that has taken place over the past 12 months, I congratulate all parties—the government, the minister, the harness racing code, the greyhound code and the thoroughbred racing industry. I even congratulate Michael Birchall, with whom I have had some disagreements in the past, but they were about 20 years ago and, at the end of the day, as the Hon. Terry Roberts said to me once, 'Terry, you cannot fight everyone. Why don't you sort out a few priorities and work out who you will fight.' I have decided to put to rest once and for all the treatment I received at the hands of the SAJC—

The Hon. T.G. Roberts: You kept fighting me, though.

The Hon. T.G. CAMERON: No, I am best mates with you these days. I am sure it will please all the members of Labor Party that the Hon. Terry Roberts is one of my best friends in this chamber these days—and I am sorry I misjudged him all those years. My humblest apologies. I take this opportunity, because I am running out of time, to congratulate all those who were involved in the process. It became increasingly obvious to me as I went through the material that an incredible amount of work has been done on this issue by Mr Birchall and his team of people, the minister and the respective racing codes. At this stage, I do not consider it appropriate to reject this legislation, particularly in the absence of anyone putting any argument to me, let alone a cogent argument, about why we should not proceed with corporatisation.

A lot of arguments were put to me about why we should not proceed now—about why we should delay this bill until October. I had conversations with a number of people, including Michael Wright, about this. Whilst my preferred position would have been to see the TAB privatisation go through in the same session and as near as possible to the passage of this bill, that is not possible because, as I understand it, Rory McEwen is not prepared to support the TAB bill—even though he overwhelmingly supported this bill—until the racing codes have had an opportunity to sort out the disbursement of funds and so on.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: The Hon. Ron Roberts interjects and says, 'Or whether or not they buy it'; and I accept that. On balance, it is appropriate that this bill go through now. It is 10 weeks before we come back to this place—and I have been critical publicly about the number of sitting days this year—and I see no need to penalise the racing codes by holding up this legislation for 10 or 11 weeks merely because the government has set down so few sitting weeks this year: they should not be the victims of that. I take this opportunity to wish everyone well in relation to this. It is about time we took the politics out of the sport, just as the politics is out of every other sport. No-one has disagreed with that in any contribution made in this chamber or in the other place—and I have read the lot. I wish them all well.

I refer now to the contribution made by the Hon. Angus Redford. It was my intention to go through in detail the consultative process. It was also my intention to go through the main features of the bill and why it was necessary to support this legislation now. However, I did promise the Hon. Trevor Crothers faithfully that I would finish at or about 4.30 p.m., so I would refer all members, or anyone who is interested in a detailed, succinct assessment of the consultative process and of the import and the impact that these bills will have on the industry, to read the Hon. Angus Redford's contribution. I apologise to him for not being here when he made the contribution, but I took a bit of a turn and went home: I am sorry that I missed it.

In all the contributions that were made in relation to this debate, the contribution by the Hon. Angus Redford stands head and shoulders above the rest because of the factual material contained in it. I have mentioned to the Hon. Angus Redford before that, when he is not out of sorts either with himself or others, on his feet he is one of the finest speakers in this place. Whilst I do not rank his contribution on the racing industry at the same level as I do the speech that he made about water in the South-East, it was an excellent contribution. I wish to place on the record that, notwithstanding all the people who approached me in relation to this matter, at the end of the day it was the constant lobbying by the Hon. Angus Redford and the clarity that I read in his speech that tipped me over the line on this bill.

Enough is enough. I wish all of the codes all the best, as well as all those who are not happy at this point in time. The bill will be passed today: the matter is a fait accompli. The codes are in trouble. It is now time to unite, get behind the

new corporatised bodies and see whether we can rebuild our racing codes to the pre-eminent position that they had in this state when I used to go to the Cheltenham Racecourse and collect bottles from amongst the throngs of people who used to attend race meetings in those days. Let us hope that we can go back to the days when you had to queue to get into the Wayville course to see the trots; and let us hope that we get back to the days when the crowds were at Angle Vale to watch the dogs.

There has been a great deal of criticism about how well racing has been going in the past few years. I have read information that has been placed before me which indicates that the first signs are there, especially over the past 12 months or so, that the thoroughbred racing industry is starting to turn the corner and that attendances, particularly at one day events, are going well. I wish everybody well. Those people who are opposed to the bill going through at this stage—and they are in the minority—are not opposing corporatisation but would simply like more time from their point of view to knock a few of the scabs off this legislation. Once it has gone through parliament, gentlemen—and I say 'gentlemen' because it is only gentlemen that I have spoken to—that is it, and it will be time to unite and get behind your industry. Let us all look forward to the days when the racing codes are attended like they were in the 1950s, the 1960s and the 1970s.

The Hon. T. CROTHERS: The shortest verse in the Bible is 'Jesus wept.' This will go on record as my shortest contribution to *Hansard*. Independent Labour supports the bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank honourable members for their contribution to the debate. There has been acknowledgment of the enormous amount of work that has been undertaken by the codes and the minister in terms of consultation and also the challenge that the racing industry, in the broader sense, must face in the future as it seeks to rebuild its fortunes and its popularity. I understand that there are a couple of amendments on file from the Hon. Ron Roberts, but other than that there is general agreement with not only the proposals but also the bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.R. ROBERTS: To expedite the processing of this matter I indicate that it is clear that the numbers are against the position of the Labor Party, as presented by Michael Wright and myself. I reiterate what I said, because I believe that during his contribution Mr Cameron has either not understood what we are on about or has, through a series of other meetings with other people, reached conclusions different from ours in respect of these matters and what the industry expects.

Mr Cameron said in his contribution that no-one who was prepared to rule out corporatisation had approached him. That is clearly the point that has been expressed to me by the industry and all codes. They are not saying that they do not accept corporatisation: they have accepted the concept. However, as I said in my major contribution to this bill, you must look at the two together and, if the government is interested in selling the TAB, they are interested in looking at this industry. They contend that, if they own the TAB and they are in control of the distribution of funds, and at what level, they may wish to have an adjustment made to the corporatisation. It would be trite to start again and go over all the ramifications. However, I reiterate that this is back to front. If we had dealt with the bills on the sale and distribution of the corporations and the Lotteries Commission, this bill probably would have gone straight through.

I need to make one other point. In his contribution the other day the Hon. Angus Redford and the Hon. Mr Davis talked about what was happening in Victoria and alluded to the fact that they thought Rob Hulls, the Minister for Racing, fully supported a proposition put by the Victorian Thoroughbred Association as to what it would like to do in future. The press release was, I believe, mischievously put out, because the minister was overseas at the time. It represented him as being in favour of their proposition, and at that stage that was untrue.

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: Yes, VicBred Racing put it out claiming certain things as a fait accompli, which the Hon. Angus Redford and the Hon. Mr Davis took at face value. In the *Herald Sun* today there is an article by Shane Templeton quoting Minister Rob Hulls as saying the following:

> . . . yesterday he was extremely disappointed the racing industry had called a press conference to release its blueprint for the governance of the sport.

It is important to note that the Victorian thoroughbred racing product is the fourth most valuable racing product in the world, so one would understand why any private operator would like to get their hands on it. When the racing industry says it wants to take it over, one can understand that. The article continues:

> Speaking from America, Hulls said claims he wanted to impose a statutory authority on the industry were completely wrong and mischievous. 'I have genuinely an open mind on these matters and at the end of the day I will not be proceeding with any restructure unless all stakeholders have been properly consulted', he said.

That is what we and industry people have been saying for the past few years. I understand we have lost the debate but I think it is worth reiterating.

Further in his contribution he talked about the fact that the minister had not even named his three members on the six person industry advisory panel. That leads me to the point that the Hon. Terry Cameron made in respect of Harness Racing SA having an extra person on the advisory board. I appreciate the point that the Hon. Terry Cameron made about that sixth position, but that is not a major dispute within the harness racing industry, indeed at Globe Derby. It is concerned that it will not be represented on the new board.

It claims, whether rightly or wrongly, that it provides 60 per cent of the participation and income generation and it does not get a position on the board. That is its position and I explained that to the Hon. Terry Cameron. He said that it would be advising its nominees on that board next week, and he also said, 'We are happy to wait until christmas to finalise this.' He said, and this is a very important point, 'It is a matter of getting it right.' That is the important principle. That is what the racing industry is saying: 'Let's get it right. Let's take this break in the parliamentary session to do a proper evaluation and consultation.' The article continues:

> Yesterday's conference took place with a prominent PR man with strong racing links lurking in the background and it had all the hallmarks of a launch of a strategic concerted lobby.

I appreciate that, too. One could hardly criticise people for lobbying, because there is a fair bit of it going on with respect to these matters. I am conscious of the fact that it is our firm belief that the best thing for us to do by way of the industries

is to accept the principle that corporatisation will take place, accept the principle that the TAB may be sold and appreciate the fact that the industry now, having seen part of those things, would like to assess its position and to find out the implications. To do that it really needs the scoping study, which the minister continues to keep secret. It would have given it the opportunity to make a proper assessment. However, this measure enshrines the principle that we will have corporatisation. I have indicated that I will move amendments that would put in place some flexibility. I comment on that now. By doing it by proclamation—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: Well, we will do both. Technically, we are supposed to pass clause 4 before I get there. I indicate that, under clause 5, we will be talking about the appointments being made not by proclamation but by regulation, which would give the parliament some scrutiny of the matter and where it was proceeding, and perhaps change it by regulation.

The Hon. T.G. Cameron: I thought we wanted to get the politics out of all this.

The Hon. R.R. ROBERTS: Terry, people have been trying to get the politics out of racing for 200 years. This will not stop it: when the minister of the day is going to appoint the gambling controlling authority, you are not going to get the politics out. I will move those matters.

The other aspect that the Hon. Terry Cameron raised was the constitution. He has viewed the heads of the authorities constitution agreement, and that is fine for him. That is all that the harness racing board members are saying: they would have liked the opportunity to make a proper assessment. Those matters were handled by the chairman of each committee and they had to receive authority from each code to conduct negotiations. They also had to sign a confidentiality agreement to say that they would not reveal those things. To my knowledge, and it has been put to me, the boards have not seen those documents. The chairmen were told specifically in writing that they were able to negotiate, they were able to reach an agreement with the minister but they were not to sign off; that has not occurred, and we could debate that all day.

The numbers are not here but, on behalf of those people from the industry who have gone to the trouble to make submissions to me and to Michael Wright, we have put the position as strongly as we can. We have called for common sense, proper consultation, proper evaluation and the opportunity to get it right for the betterment of the whole industry. On behalf of those industry people who have lobbied us, I make the point that some are accusing them of trying to pull down the whole thing. They have not said that: they have said very clearly that they are not philosophically opposed to corporatisation. They are not ruling out the sale of the TAB. However, they want the opportunity that anybody who was to take over a business would want: that is, they want to do a proper evaluation. To do that, they needed time, the scoping study and the heads of agreement, and they needed to be able to look at the constitutions of these controlling authorities.

Clearly, the numbers are not here. However, on their behalf we have done what I believe is also the correct position: the sensible thing to do would have been to blink on this issue and allow those people who have expressed an interest an opportunity. If the TAB is for sale, they may want to buy it. They may not but, for them to make a proper assessment of that, they really need the scoping study—which, after all, was paid for with taxpayers' money—to find out the best way of disposing of taxpayers' assets. I do not think it is unreasonable for them to do that. Clearly, I am not going to win that argument today, but that question will be answered in other places, including at the ballot box. I will speak very briefly when we get to clause 5. It is not my intention to move any amendments other than that to clause 5. I accept the numbers and I will not necessarily call for a division.

The Hon. NICK XENOPHON: I did not have an opportunity to speak at the second reading stage: that is not the fault of the minister. I would not have opposed the second reading but I do have some reservations as to the proposed structure of the racing industry given the government's position with respect to privatisation of the TAB. My concern is that the structure proposed in some way biases the industry toward marching down the path of privatisation.

Whilst I am not ideologically opposed to the privatisation of the TAB, I am concerned, given this government's track record in terms of an integrated approach in dealing with problem gambling, that it could well lock out a number of potential reforms that a government owned TAB and Lotteries Commission could bring in respect of a comprehensive approach to reducing the level of problem gambling in the community.

I can indicate that I will be supporting the amendments moved by the opposition with respect to clause 5. I can understand the concerns of the Hon. Terry Cameron with respect to those amendments but I would have thought that, in the circumstances, a degree of scrutiny—

The Hon. T.G. Cameron: You understand but don't agree?

The Hon. NICK XENOPHON: I understand everything the Hon. Terry Cameron says and I agree with him on many occasions but not on this one. I can understand the Hon. Terry Cameron's position but I do not agree with respect to the proposed amendments to clause 5. It seems that that will also be defeated, but I think that it is important that a stand be taken with respect to that. I look forward to this government undertaking, sooner rather than later, an integrated approach to dealing with problem gambling in the context of this and other industries. It ought to be put on the record that the Productivity Commission's report indicates that, with respect to various gambling codes, significant proportions are derived from problem gamblers. In the poker machine industry, 42.3 per cent of the losses come from problem gamblers; and with wagering, it is 33 per cent. That is quite a significant proportion and it demands consideration by government in dealing with the problems caused by problem gambling within this industry.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. R.R. ROBERTS: I move:

Page 5—

Line 16—Leave out 'proclamation' and insert: 'regulation'

Lines 20 and 21—Leave out subsection (2) and insert:

(2) A regulation made for the purpose of subsection (1) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

As I explained briefly in my first contribution, instead of these appointments being done by proclamation, we are suggesting they ought to be done by regulation. That would

give this parliament and the industry the opportunity, given that the bill has been read a second time and we are to have this bill pass: that has enshrined the principle and concept of corporatisation, as the minister has been seeking.

One of the problems that the shadow minister in another place has with the act is that the constitution and the articles do not appear in the legislation and, therefore, we do not have an opportunity to debate them formally. This provides some protection in the case of the evaluations mentioned earlier, and they will take place in respect of the sale of the TAB anyhow. It gives those people the protection that, if we identify a problem, we can fix it by the regulation process. I indicate that if we lose this matter we will not be dividing.

The Hon. DIANA LAIDLAW: The government opposes the amendment. I think the Hon. Terry Cameron's interjection was most perceptive when the Hon. Ron Robert's was outlining the amendment before us. The Hon. Terry Cameron said, 'I thought the whole intent of this was to get politics out of sport', and we agree entirely. Essentially, it is the basis of the government's opposition to the amendment moved by the Hon. Ron Roberts. When the Hon. Ron Roberts was speaking to the amendment, he said that we do not have an opportunity to debate the constitution, the articles and a range of other matters in this place.

The sentiments expressed by all honourable members other than the Labor Party indicate that we do not want to debate these things in here anymore. The industry should be standing on its own two feet or four feet—or whatever it has—and getting on with its business. Essentially, what the Labor Party wants in relation to the designation of controlling authorities is for the Governor by regulation to designate a body as a controlling authority for horse racing, harness racing or greyhound racing.

We believe that this decision should be made by proclamation by the Governor. It would be quite silly for any government of the day to establish horse racing, harness racing or greyhound racing with a constitution and other substance that is not in the long-term best interests of those three codes. If the Labor Party had its way, and regulation and not proclamation was the way to proceed in terms of designating these bodies, all the parliament would be able to do is allow or disallow the constitution and the other work. It would not be able to amend the regulations. I hope that the honourable member is not saying that, in terms of an opportunity to debate the constitution and other things associated with the controlling bodies, he would not be aiming to disallow that. If he is not able to disallow, he must accept it because he cannot simply amend it. I think it is a waste of time, and I reiterate the forceful argument put earlier by the Hon. Terry Cameron that this would introduce politics into sport.

The Hon. M.J. ELLIOTT: I indicate the Democrats support for the amendment. It is fair to say that in this place ever since I have been here, under both Labor and Liberal governments, I have always looked very carefully at anything done by proclamation, and I have often suggested that they be done by regulation; and many things done by regulation I have suggested should be within the legislation itself.

One is always reluctant to sign a blank cheque—others might not be but I am certainly reluctant to do so. As the Hon. Terry Cameron noted earlier, there has been no opposition to corporatisation whatsoever. However, a number of legitimate concerns have been raised about some of the structures. I have not spoken at length about that in this place but I indicate that I believe that there are some legitimate concerns and note that, whilst the interests of, say, clubs seem to be well represented in some of the proposed structures, it is unfortunate that the same cannot be said in respect of trainers groups and owners groups who often are not club members but who are pivotal to the industry. Some of the complaints have been unreasonable. There is always a circumstance where some people will not be happy. I do think that some legitimate concerns have been raised. The Democrats are prepared to support the bill, but I do think that this is a reasonable amendment in the circumstances.

The Hon. T.G. CAMERON: We know what these constitutions are and we know how many people will be appointed to act as directors. We know—

The Hon. R.R. Roberts: Have you seen one?

The Hon. T.G. CAMERON: I have seen them and they are public documents. If the honourable member would like a copy, he should come to my office—it will be the first time in a long while—and I will happily give him copies of them. We know who will appoint them, how they will be appointed, etc. I did canvass briefly with the minister my concerns about this provision and, somewhat naively, floated the idea, 'Why don't we let the members of the SAJC elect their representatives to act as directors, and why don't we let the members of SACIRA elect their people?' However, that would have completely politicised the process. At the end of the day, the 1 700 members of the SAJC elect their committee—and we all know the politics that go on in the SAJC.

I cannot see any valid reason as to why this amendment should be supported. All it will do is send a message to the racing industry, 'Look, this is landmark legislation. We are going to depoliticise the racing codes. Here it is—you manage it yourself.' So, they will go away and elect their seven directors for Racing SA Pty Ltd, and the harness racing industry will elect its five representatives and then it will come back here. What do honourable members think will happen when it comes back to this place? It will just be politicised again. I say with certainty that, no matter what the nominations that come forward to this parliament from those respective bodies, someone would find a few votes in supporting an objection to it. I am not sure who is the most relieved—the politicians or the racing codes—that we are actually depoliticising this sport. I think the politicians are more relieved than the racing codes.

The Hon. R.R. Roberts: You are dead right.

The Hon. T.G. CAMERON: Well, let us do it properly. Let us not do it in a half-hearted manner and say, 'Here you are. Go ahead and select your directors but, if you don't get it right, someone will move a disallowance regulation.' It could sit there for a long time, similar to the marijuana debate—but, fortunately enough, members of this place saw sanity on that issue and it was rejected last night. That is the sort of thing that will happen. Let us carry this legislation and get the politics out of this sport. They want it and, at the end of the day, we want it too. Let us be honest about it.

Amendments negatived; clause passed.

Clause 6.

The Hon. M.J. ELLIOTT: During the second reading stage, I raised the issue of the expanded role of the Liquor and Gaming Commissioner. In other debates there has been a suggestion by some government ministers that the government is giving consideration to the questions about gambling regulation more generally. I think it would be appropriate, in the light of this expansion of the role of the Liquor and Gaming Commissioner here, if we could get some clarity, not about what the government definitely will do but whether or not there is any process in place, or anything else—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: In relation to gambling regulation.

The Hon. DIANA LAIDLAW: I deal with planning, and I suppose you could suggest that that is a form of gambling, as a portfolio. But racing, lotteries and the TAB are not worlds in which I have an interest personally or professionally. I know that the Treasurer has made reference in this place to investigations that he is undertaking for some umbrella form of gambling authority. He may well have answered questions from the honourable member on the subject: but I would know no more than that. I would not wish to hold up the bill for this purpose, but I indicate that I am prepared to seek further information from the Treasurer to provide to the honourable member after we have considered this bill.

The Hon. M.J. ELLIOTT: I appreciate the minister's response. It is relevant to this bill because, as I said, the Liquor and Gaming Commissioner is having an expanded role, at least in terms of responsibility: he is covering not only gaming machines but also now bookmakers. Certainly, I think that many people would like to see a body covering all the gambling codes and probably also questions not just of probity (which is, I suppose, the major responsibility of the Liquor and Gaming Commissioner in this regard) but also those other issues that are before this place in other forms about the impact of gambling and some monitoring of that, and perhaps some limitation of the harm. I am very keen to see that addressed. It is an issue which I suppose we could have addressed in this bill, but that would have been doing it in a piecemeal fashion. I just want to get some understanding whether or not the question of broad regulation of gambling was being considered and whether the issues went beyond simple probity to matters of, I suppose, harm minimisation also. So, I would like the response outside this place to address those matters.

The Hon. DIANA LAIDLAW: My understanding is that the Treasurer is looking at all matters, and that no determination has been made by the Treasurer in terms of the options—and, certainly, nothing has come to government or cabinet at this time. In addition to my obtaining some further information, the member may wish to present to the Treasurer what he would wish to see; that might be helpful.

The Hon. NICK XENOPHON: Given the increased role of the Liquor and Gaming Commissioner with respect to this bill, to what extent will the Commissioner be given extra resources to deal with those additional responsibilities? My concern is that, in the absence of those additional resources, it could mean that the Commissioner's role as a regulator of the gaming machine industry could well be compromised materially in the absence of additional resources.

The Hon. DIANA LAIDLAW: I understand that this bill simply transfers staff and administrative resources from RIDA to the Liquor and Gaming Commissioner.

Clause passed.

Remaining clauses (7 to 54), schedule and title passed.

Bill read a third time and passed.

HIGHWAYS (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the House of Assembly's amendments.

(Continued from 11 July. Page 1587.)

The Hon. DIANA LAIDLAW: I move:

That House of Assembly's amendments be agreed to.

When this bill was last before this place, it was noted that a number of clauses—27, 31, 32 and 39—were all regarded as money clauses and, therefore, were in erased type when the bill was before this place. As money clauses, they could be debated only in the other place. They were passed in the House of Assembly and are now before the Legislative Council, the House of Assembly seeking concurrence.

The amendments simply continue the Highways Fund but extend the fund in terms of the Motor Vehicles Act and facilitating private funding of the road crossing over the Port River. This commitment by the parliament has been critical in terms of the government's commitment to part fund up to $18.5 million, under Roads of National Importance, the construction of the Gillman Highway. The provisions in this bill provide for private sector funding of a bridge across the Port River and for that funding to be recouped through a toll. It also specifically provides that it is only on this bridge that a toll can be collected, and if any government at any other time in the future wants a further toll road or bridge in this state it would have to come back to this place.

In addition, the Labor Party moved some amendments in the other place, all of them deemed to be money provisions, or embraced by the money clauses that I mentioned earlier; that is, to remove the Shadow Tolling Payment Scheme, which the government readily agreed to, and also to provide that the project agreement must be referred to the Public Works Committee of the parliament for its inquiry and consideration, and, again, the government accepted that amendment. In terms of the debate in the other place, I would like to thank the member for Hart for what I thought were very wise comments about my role in trying to facilitate with the opposition and council and all other parties—

The Hon. J.S.L. Dawkins: He had a heart, did he?

The Hon. DIANA LAIDLAW: He did have a great deal of heart—but showed it on his sleeve a bit I thought. But I do want to thank him publicly for his acknowledgment of the negotiations that surrounded the preparation and passage of this bill and, likewise, I commend the Labor Party for keeping an open mind and the big picture in mind, and I think that was largely due also to the Hon. Carolyn Pickles' contribution to those negotiations. I thank her.

The Hon. CAROLYN PICKLES: The opposition supports the motion. I, too, would like to refer to the negotiations that went on between the minister, the member for Hart and myself in relation to the amendments that we wished to move in the other place on the issue of shadow tolling and to provide for some kind of oversight by the Public Works Committee. We think that in a project of this magnitude it is very important to have some kind of oversight. Obviously, although we could not debate the particular motion to do with the toll, I reiterate that this is a one-off; we strongly support it and believe that it will facilitate the bridge being built.

We hope that once the minister has decided to put out the tenders the work can proceed and we hope that it will assist in limiting the heavy traffic through Port Adelaide and ensuring that the city centre of Port Adelaide can be rejuvenated into a more vibrant area and not be subject to the enormous amount of traffic it has had and, more importantly, heavy vehicle traffic can get to the port as quickly as possible in order to improve industry.

So, I think that this is an example of people across all parties working together to do something that is in the best interests of the state, and I think we have seen that on a lot of

occasions. There is often a criticism by the media that we spend all our time in opposition. Obviously, we oppose government measures which we do not wish to see go ahead, but this one we think is a good measure and we hope that it will be expedited as soon as possible.

Motion carried.

The Hon. DIANA LAIDLAW: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

RECREATIONAL GREENWAYS BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 1369.)

The Hon. T.G. ROBERTS: The opposition supports the bill. It provides for the establishment and maintenance of trails for recreational walking, cycling, horse riding, skating and other similar purposes, and makes a related amendment to the Development Act 1993. I am not quite sure of the name 'greenways' to describe these trails. I thought we might have been able to get a consensus for an international definition through the English language, something that easily could be recognised by people from other countries.

Questions were raised in the other house that I do not think were answered in the second reading explanation. I will pursue those matters during the committee stage. The bill gives protection to walking, riding and recreational trails, whereas previously we had to rely on the goodwill of landowners to protect the interests of those people who used the trails. There has not been a lot of certainty about access to trails, and there were times when access was at risk because local government in particular sold off land that it owned to private interests and, in some cases, did not put caveats on those lands so that an administrative body could have some certainty over access to it.

A lot of road reserves that had not been used for a number of years were looked at by local government and, in some cases, state authorities. Instructions were issued to departments to try to sell surplus land to either private interests or back to local government for community use.

The bill goes part of the way to protect the interests of recreational users. I hope that it will be the base of legislative protection which can be built on over time. When I was the shadow minister for the environment, a young university student who was doing some work in relation to the protection of trails in Canada, America, New Zealand and Europe worked for me. This student looked at whether we needed legislative protection to build on what we already had put in place over a number of years.

I thought that the Heysen trail was the best place for him to start. He looked at whether we could provide more certainty and build up a profile using the good work that had been done by people such as Terry Lavender and other previous members of departments who had put together a list of options for people using walking trails. This information was used to attract to South Australia—and was used as a selling point—particularly backpackers, young people and retired people, and to mark out courses which people of different levels of fitness could use from time to time to improve their fitness and to see the wonders of the South Australian countryside.

During that period some incursions did give me cause for concern. I talked to the people who were associated with the marking and protection of trails; there were friends of the parks and trails that I was able to talk to. The information I got was that, although legislative protection would be handy in some instances where the trails were being attacked by either local government or private interests reclaiming land that they had provided, the general consensus was that legislation would have to be drawn up in consultation with the players, who in many cases had donated land and who had made available multiple use provisions for that land.

I decided at that time not to pursue a private member's bill to discuss with government that sort of protection. I was given assurances that legislation would be introduced to provide minimal protection that would be required to prevent the incursions that were starting to happen, particularly in the more developed areas of the Mount Lofty Ranges, where there were pressures on access and ownership, where road reserves were being sold and where local people were denied access.

I saw a delegation of people from a pony club from the Mount Pleasant area who were quite concerned about losing access to some of the trail up there. A development towards Victor Harbor was threatening an incursion; and, ultimately, I think there were developments that did impact on the tracks in that area.

The bill makes good commonsense and provides for agreements that will be negotiated between landowners—both public and private—and the minister. It will provide for such things as type of permitted use, indemnification, the waiving of liability, opening and closing times, and help to overcome the lack of access for our network of recreational trails.

Hopefully, a whole series of trails can be built up through the metropolitan area and across the state and be sold as a package to people overseas and for local people to enjoy. A fortnight ago I walked to one of the local tracks in the South-East which had been marked by locals through the Kanunda National Park down towards the Lake Bonney area around Coola Station. That work had been done by volunteers who assisted in weed clearance and trail marking. The local council, Wattle Range, provided marking, and there is a lot of goodwill in regional areas, particularly, to get as many trails marked as possible to assist in drawing recreational walkers and passive users of the environment and to maximise returns by attracting visitors to the area.

I would like to see more trails designated and I understand that the government is using a global tracking system as part of its methodology of identifying trails that can be marked out. There is some criticism of the cost of the high-tech method of marking trails and not using enough of the volunteer and registered leisure organisations, which are bursting at the seams to try to assist National Parks and Wildlife and others in marking out trails and defining them for particular fitness levels.

One of my colleagues in the lower house asked some questions about the cost of the networking system and that member would like the government to give some indication of the difficulties that have been experienced in establishing a web site for authenticity and for advertising the trails locally, nationally and overseas. I agree that networking through the internet is the way to go, but I think that the questions my colleagues were asking in the lower house relate to the global positioning systems that are being used in developing these tracks.

Every region should look at making its own series of walking trails or greenways, as they are called. I am not quite sure what we should call them in the summer when they brown off. Should we call them brownways? Every local government and recreational body within the state should be enthused by the legislation, which shows that the government is serious in putting together in a professional way a proposal that provides an added attraction to the existing network of trails.

The Heysen Trail is probably the most underrated, undersold passive recreational pursuit in this state. If governments had more money to provide for advertising locally, nationally and overseas the visitations would increase. I intended to avail myself of an invitation to walk one section of the Heysen Trail, but I had to withdraw from that. However, I will make a commitment to walk a section of the Heysen Trail in the not too distant future and make good use of it.

I know that the Minister for Transport and Urban Planning is interested in making trails and encouraging participation in the metropolitan area and, against a lot of criticism, she has put together a string of tracks that link and make integrated sense of metropolitan recreational greenways or trails. If the agencies work together—sport and recreation, national parks and local government—we can get a good, integrated system of trails right across the state and, when people are talking to each other in hostels all over the world, they will remark that South Australia is the place to go to enjoy these passive recreational pursuits.

One good thing about passive use of the environment is that, if it is done properly and infrastructure is provided to protect the most delicate parts of the walks, it costs nothing to renew and only benefit can be drawn from it. The passive recreational pursuits that most people enjoy are bird watching, bird identification, bush identification and keeping fit. All governments have been slow in reaching this point and in my view we should have arrived here four or five years ago, but funding was not available. Now it seems to be off and running and let us hope that this legislation can accelerate that process and we can get a fair share of the recreational dollar that comes into Australia from overseas. It will encourage more older people, and younger people, to avail themselves of these walks to lift their levels of fitness so that the health budget can be minimised in this state. We support the bill.

The Hon. J.F. STEFANI secured the adjournment of the debate.

The Hon. DIANA LAIDLAW: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1689.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for contributing to this bill. A wide variety of matters have been raised and support has been generally good overall. I know that the Hon. Mike Elliott has concern about section 51A, but I understand that that can be addressed by amendments that he has placed on file. I will not hold up matters at this time. I thank all members for addressing this matter promptly and positively.

Bill read a second time.

In committee.

Clauses 1 to 8 passed.

Clause 9.

The Hon. DIANA LAIDLAW: I move:

Page 5—
Line 19—After 'is amended' insert:
(a)
After line 20—Insert paragraph as follows:
(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:
(2) Where a fee fixed under subsection (1) is payable, or has been paid, the director may, if he or she thinks fit, waive or refund the whole or part of the fee.

Currently, the act does not contain provision for the director to waive or reduce permit fees in parks. In some instances, particularly for promotional charitable purposes, it is desirable to do so. Examples include a charitable organisation, for example, if a childhood cancer organisation sought permission to take a group for a tour through the park, the director may wish to waive entry fees. Some park managers have expressed interest in establishing package deals with other local traders. However, there is no legislative authority to do so. In a similar vein, tourism delegations often visit parks with a view to including them on promotional material. Technically, they must be charged an entrance fee to enter the park.

Volunteers in parks, such as friends groups and consultative committees, have been issued with free entry passes in recognition of the exceptional service they provide. Again, technically, there is no head of power within the act to do so. This amendment will legitimise these sensible and desirable practices and allow the park system to enter into better promotional arrangements in the future.

Amendments carried; clause as amended passed.

Clauses 10 to 16 passed.

Clause 17.

The Hon. M.J. ELLIOTT: I would like a clear indication of how members will respond in respect of this issue, because during the second reading stage I asked that we not consider this clause until we resume in October. The reason that I made that request is that this issue is currently before the Environment, Resources and Development Committee. In fact, at our next meeting in two weeks we will be sitting down to begin drafting our report, and I find myself in the somewhat uncomfortable position of being a member of a committee that is producing a report to make recommendations in this area. So, before we have a chance to meet as a committee to discuss the evidence and so on, I am faced with the challenge of moving amendments to this clause, and I think that is undesirable. It is worth noting that the ERD committee has had an excellent record of being non-political. In fact, I am not sure that I can even remember a minority report. The committee has always worked very hard to try to produce a consensus view.

In the first instance, it has to be noted that what the government is seeking to bring in right now is something which has only been used for the first time under existing section 51A during the last summer. Speaking with people such as the apple and pear growers, they told us that they did not request the changes. They are not opposed to the changes but they did not request them. There was the old permit

system, and evidently they rang up and were virtually assured of being given a permit straightaway. There is a sneaking suspicion that perhaps the major reason the permit system was dispensed with was more an attempt at cost cutting within the department.

Putting that aside, I do not think I have heard anyone in this place say—including myself—that there is not a place for the culling of birds, or, for that matter, other animals. In fact, on other occasions in this place I have supported the kangaroo cull. I note that the kangaroo cull is based on very sound scientific research carried out over many years. At the same time, in supporting the kangaroo cull, I have indicated that I am eager to see, as far as possible, that it is seen as a last resort and, if there are other means of reducing damage and/or reducing what is an over abundance of kangaroos—at least in relation to the red kangaroo and the grey, which are the species which are being shot—we should be seeking to do it. That is my view about bird species causing problems in the Adelaide Hills.

We are told that 40 000 parrots have been shot in the Adelaide Hills, although departmental people acknowledge that that is probably an under-estimate of the number. The reality is—and evidence we have been getting in the committee supports this—there is no real handle on the numbers being shot and, unfortunately, no real handle on the numbers that comprise the species. One must guess as to what percentage of the species is being culled on an annual basis. That does not seem to be a terribly sound way of going about things.

At the end of the day, I would be keen to see a system in place which recognises that there are problems created by animals at the moment and which seeks to reduce damage as far as is practicable, recognising that culling is one option that will need to be exercised, probably more in the short term than the long term. One would hope that a longer term strategy would be developed that would significantly reduce that need.

Witnesses appearing before the committee gave a range of options which, over a longer time frame, would significantly reduce the need for culling. Most members would take the view that, if we could avoid it, we would. Most fruit growers will tell you, 'We do not want to do this.' It costs them time and money. We are increasingly finding that fruit growers and farmers generally are becoming greener by the year. I know that when I first came into this place the *Stock Journal*—and the UF&S had its own newspaper at that stage—constantly had stories complaining about greenies, yet recently it had the IBIS awards and all sorts of things. There has been a greening of agriculturalists and horticulturists, and I think they are fair dinkum about that.

Witnesses representing horticultural groups before the committee complain that there is a dearth of knowledge, and they say there is not enough effort and support to get the best result. The best result is not simply a protection of the fruit: the best result also is minimising culling as far as possible, and that involves both a decrease in numbers, which may or may not be justified, and also what will clearly be some suffering as well.

The Hon. T.G. Cameron: What do you do with them?

The Hon. M.J. ELLIOTT: When our committee gets the chance to report, we will go into that at considerable length. One of the witnesses before the committee talked about the fact that many of these parrots that are causing damage are blossom feeders. There are particular eucalypts that they feed on. There is an argument that, if areas away from orchards are selected for planting a species on which they normally feed, over a period of time—and not next year—that will provide an alternative feeding place. This evidence was given by Dr Paton at the University of Adelaide, who is probably the most prominent bird expert in South Australia. Dr Paton also talked about the fact that some farmers seem to be suffering a lot more damage than others. It is a matter of adopting proper practices. It is not the number of birds you shoot that ultimately has the effect—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I do not know why you adopt that attitude. I am not getting stuck into the farmers, and none of the witnesses got stuck into them, either—not a single one. Nobody was complaining about what farmers were doing in any deliberate sense, but they did say there was a severe lack of science in the way it has been done. In fact, there has not been a refinement of best practice, if you like, on blocks which would involve a range of tactics by horticulturists. It would include culling; it could include gas guns; it could include provision of various alternative feed; it would include a range of other things. It could include alternative feed, but not just the growing of other species; but there is a number of ways that you can attract them if you understand their behaviour. If they settle into an area and start feeding, as I understand it if they get frightened they tend to fly off into nearby trees. A couple have been shot. When the person goes away, they return to the area. One of the suggestions was that, if you get in early and disrupt them before they have settled in, they will move on.

The Hon. T.G. Cameron: Are you talking about lorikeets?

The Hon. M.J. ELLIOTT: I am talking about lorikeets, yes.

The Hon. T.G. Cameron: Well have I got a few stories to tell you about lorikeets!

The Hon. M.J. ELLIOTT: For the record, the Hon. Terry Cameron does not like lorikeets, but that is fair enough. That is his right.

The Hon. T.G. Cameron: I didn't say that at all. Now you are putting words into my mouth.

The Hon. M.J. ELLIOTT: It is something I learned from Lucas; I cannot help myself now.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: No, I should not do that. Nobody was complaining or getting stuck into horticulturists but they noted that a range of alternative strategies can and should be adopted. What I had hoped would happen is that the committee would have a chance to come back to this place and put forward a comprehensive bipartisan or tripartisan or, in this case, because four political parties are represented on the committee, a quadrapartisan view, with a preponderance of members from country areas as well.

I had hoped that we could put before the Council something that would give all the protection that the horticulturists want for their crops and also the best reasonable protection of the interests of the birds as well. This is not a matter of either/or; this is matter of getting the best result. The committee is committed to achieving that on all issues. I do not want to be in position of trying to second guess what the committee might report, but I do have a set of amendments. If I fail to have the clause deferred at this stage then I will be forced to move. Those amendments are, I suppose, my interpretation of the evidence that we have been getting and the common themes that seem to be emerging about the need for better science and a range of other things.

Before I explore the amendments in too much detail, I would like an indication of whether or not this place is likely to give the ERD Committee a chance to report (and it will be reporting as soon as parliament resumes) or whether I will be forced to move my amendments somewhat on the run.

The Hon. DIANA LAIDLAW: The government supports the provision in the bill. I appreciate the arguments from the honourable member but highlight that in the other place the chairman of the ERD Committee, the member for Schubert, did support this provision and so did a further member of the committee, Ms Maywald, the member for Chaffey. They both appreciated the committee had not yet reported and may be some time in reporting and that this provision, when proclaimed, will allow us to address the management issue more effectively than has been the case in the past. The minister has also reassured me that if and when the ERD Committee does prepare its report on this matter and commits to various recommendations which the government and/or parliament may see fit to advance, this provision can certainly be reopened to accommodate the recommendations. However, we have not seen any of the recommendations yet. We do not know quite when the committee will report. We know that we do not come back here until October, so in the circumstances it is preferable to advance the provisions that are in the bill.

I would highlight too that most people recognise that there is not just one simple answer to the management of abundant species. Shooting is not the sole solution, but it is part of a management plan and an important component of strategies used to manage abundant species. Shooting is not the sole solution but it is part of a management plan and an important component of strategies used to manage abundant species. It is not a black and white issue. The bill provides clearer management practices in the event of over-abundance of certain protected animals.

The Hon. T.G. CAMERON: SA First will be supporting the government's new section 51A as it stands, and the Hon. Trevor Crothers has asked me to indicate that that is his intention as well. I have received correspondence from the minister in relation to this matter and it did not escape my attention that both the chair of the ERD Committee, Ivan Venning, and the member for Chaffey supported the government on this issue. Neither of them has sought a delay in relation to section 51A pending the handing down of the committee's report. It should be noted also that Labor members voted to reinstate section 51A in the other place but, for whatever reasons, now seek to delay the debate on this section in the Legislative Council—that is, they will be supporting the Democrats. Hopefully, this is not another exercise in playing political games.

I may be missing something here, but what the Hon. Mike Elliott is proposing does not seem to make a great deal of sense to me. Let us consider a pear crop: lorikeets love pears. I know that, because every year they consume the pears off about half a dozen pear trees on my property before I get a chance to pick them. What do we expect the orchardist to do? He says, 'Oh, I have a problem. The lorikeets and the parrots are eating my crop. I had better apply to the government for a licence to do some culling.' I note that the Hon. Mike Elliott is not objecting to the practice of culling: his objection relates more to the procedures. I am not quite sure how long it would take the orchardist to get back to his orchard to deal with the problem but one thing is certain: both the lorikeets and the apples would be gone. In reply to the interjection of the Hon. Mike Elliott that I do not like lorikeets and parrots—

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: Well, you responded with a statement to the effect that I do not like parrots or lorikeets. Despite what you have outlined, lorikeets can be very persistent little critters.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: But I live in a different place from you and I was about to relate that to you. I have planted a small orchard: in fact, the Hon. Mike Elliott should accept my invitation one day and come up and have a look at the place. I think he would be impressed with how I have maintained most of the property in its natural state. I have a small orchard of some 20 trees. My house is built on an old orchard and we have old apple trees and old pear trees. However, the parrots strip them every year. You can be assured that, if a small flock of lorikeets take a fancy to your apple or pear trees, the fruit is gone within an hour or two.

The same thing applies to the black galahs. I have a small pine forest that was planted on my property. I removed all the pine trees except for the odd stand, and hundreds of them come in. It is quite a beautiful sight to behold: 200 or 300 black cockatoos descending on a pine forest. However, my 20 or so fruit trees are surrounded by thousands of hectares of native eucalypt forest: in other words, there are tens of thousands of trees within a minute's flying distance of my fruit crop. But, in the 15 years that I have been there, I have not managed to get any fruit. I have tried nets; I have tried everything. I got really smart one day and built a dummy Guy Fawkes: the following day when I went out, two parrots were sitting on it shitting on the shoulders. And the Guy Fawkes was sitting right under the pear tree! Given what the Hon. Mike Elliott said, why do they find my pears, apples, plums and apricots so tasty when they have all this native vegetation to feed on? They must have sweet beaks, or something, because they just love them. They are a problem.

The Hon. J.F. Stefani: They love your trees.

The Hon. T.G. CAMERON: It is the fruit on them that they love.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: I only grow my fruit for pleasure; it is not my main source of income—that is coming into this wonderful place. I have identified some 40 different species of birds in the parrot family that come into my property—finches, and what have you. I grow my fruit for pleasure, it is not my living, and they strip my trees every year. That does not bother me a great deal. I leave the trees there and they come in every year now. They have won the battle and I have lost. But, of course, I thoroughly enjoy sitting out on my balcony with my telescope or binoculars, surveying the bird life that comes onto my property.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: You are going to come up to my place one day. There are literally hundreds of lorikeets, parrots, finches, black galahs and white galahs—you name it. About the only birds that are not welcome on my property are the shags, which come in and feed off my yabbies and trout. I think it would be a nonsense to reject this measure and to leave the orchardists in a situation where they have to apply for a licence. I look forward to the report from the committee, and I will listen with interest to see whether there is evidence in relation to the eating habits of lorikeets. However, I ask the Hon. Mike Elliott not to suggest in any way that I am not a nature lover and that I do not like animals or birds, because the simple fact is that I do.

The Hon. T. CROTHERS: I had not planned on entering the debate, but I shall, in defence of the orchardists and in the

long-term defence, indeed, of our native wildlife, whether it be of mammal, bird or reptilian extraction. I think that these amendments are a nonsense. I would like to think that they were there for the purpose of doing some good environmentally. However, I feel in my heart of hearts that they are not, that they were inspired by some other bit of rationale. I saw the amendments being photocopied outside at quarter past 5. If, as the mover (Hon. Mr Elliott) might lead us to believe, these are so important, why did we not have them several days ago, when we could have considered the validity, the rationale and the logic that would underpin our either supporting or opposing them?

I think that this bill has some urgency attached to it. In South Australia we do not grow a great deal of orchard fruit. It is grown mainly in the Adelaide Hills, but there has been a move into the South-East by many orchardists, as my colleague the Hon. Terry Roberts would attest—

An honourable member interjecting:

The Hon. T. CROTHERS: And Terry Cameron. He is a bird lover; he has galahs and cockatoos, and so on. I am aware of an orchardist in the Adelaide Hills who grew apples, amongst the other stone crops that he grew. He produced an apple which was very much in demand in the South-East Asian and Japanese markets, and he received an order one year for so much fruit that he could not supply it—1 million apples, which is many thousands of cases. So, he has moved to the South-East to set up his orchard. I just wonder, when we talk of the Adelaide Hills, whether we are confining our peregrinations too narrowly because, most certainly, as far as I am aware, the orchardists in South Australia have extended their industry down into the South-East and, as I understand it, they are extending all the time. Is that right, Terry?

The Hon. T.G. Roberts: Yes.

The Hon. M.J. Elliott: As long as they get the water.

The Hon. T. CROTHERS: Some of the members in here might make enough water to add to the system; I do not know. That is a possibility, I suppose. It is an essential prerequisite for us to be able to fill our ever expanding export markets for fruit, which will benefit the people and the government of this state and enable us to spend more money on the rational preservation of our environment. I will certainly oppose all the amendments. At this stage I have much pleasure in supporting the government's bill, which I think is necessary and has some degree of urgency attached to it, and it is commendable in respect of both the state and its people. I support the bill.

The Hon. M.J. ELLIOTT: I really resent the suggestion that I have knocked up these amendments at the last minute to try to cause problems. The fact is, as I have said repeatedly, I believe that the ERD Committee should have reported before this matter was handled. I thought it was inappropriate for me to put forward amendments, which would show me taking a position, before the committee had had discussions. I have had some rough drafts, if you like, in my back pocket for some time. My understanding, until midnight last night, was that we would not deal with this clause: the minister told me last night that we would not deal with this clause. Since then, obviously, some other people have said, 'Don't worry, you have the numbers.' So, I then had to sit down and really get to work on it. To suggest that I have suddenly knocked this up so that I can cause mischief is absolutely outrageous.

[Sitting suspended from 6.15 to 8 p.m.]

The Hon. T.G. ROBERTS: I was of the understanding that these amendments would not have been necessary, either, particularly at this late stage of the session. I thought there was an understanding that clause 17 would not be pursued, that the outcomes of the committee's deliberations would be considered and that the bill would go through without that clause. My understanding is that that arrangement has changed. I was not part of that arrangement, I must say. But I was reporting to the Hon. Mr Elliott in relation to tactics, and he apologised to me for introducing the amendments at a late hour. I then contacted the shadow minister in another place and asked Mr Elliott to contact John Hill to talk to him about these amendments.

One of the reasons why we did not want to see this clause proceed was partly explained by the Hon. Mr Elliott, but I think we need to add a little more to the explanation, in that we are taking evidence. We are looking for alternative ways of dealing with the difficult problem of aggregated native animals that build-up artificially either through the introduction of crops or an abnormal feeding cycle. It can happen for natural reasons and it can happen for unnatural reasons—unnatural such as the Hon. Mr Cameron's pear tree and apple tree being a temptation to the corellas and parrots, and sometimes natural circumstances occur where aggregations become problems to agriculturists. In the main, National Parks and Wildlife, and others, use methods of detection and are able to count and predict where those wildlife numbers are going to be, say, in the next breeding cycle.

There are now a lot of new scientific methods that are able to be used to count and detect. There is satellite imagery, fixed-wing and helicopter counting, particularly in the northern regions in relation to emus and kangaroos. But in relation to birds and protected animals, we found on the committee that it was difficult. Other committees have sat before us—we are not doing any groundbreaking work—and those committees, in Victoria and other places, have been wrestling with this problem for some considerable time and have not come up with any one single solution to any of these problems. There is no silver bullet—pardon the pun—that applies to any given circumstances and situations. Landowners, agriculturalists and horticulturists all want a solution that fits the nature of the problem. I have attended a one-day seminar that National Parks and Wildlife held in the South-East, with workshops—

The Hon. T. Crothers interjecting:

The Hon. T.G. ROBERTS: I learnt a little bit about decoy cropping and other methods of preventing the first instinct of landowners, which in the case of the short bill corella and others was to poison them, and it is a most inhumane way to tackle the problem. It is also not a very good targeted way to get the species that you are after, because poisoning is indiscriminate and a lot of other non-targeted species end up being the victims. So there are a lot of complications that exist with defining solutions. Some of the decoy cropping methods interested me, in that most of the animals are preferential feeders and you can design cropping methods to distract those native birds and animals that we talk about, to take them away from the cash crops that farmers rely on for their living. I can understand agriculturalists, horticulturists, etc., being upset that these artificial numbers do build-up from time to time and do need some form of correction.

So I guess I am arguing the same as the Hon. Mr Elliott in that we need a little bit of patience in dealing with this matter. We are in close proximity to the metropolitan area in

relation to the apple and pear growers. It is an artificial build up and, from the evidence taken, it did not appear to me that we have the best scientific evidence to provide a recommended solution, and that the tracking methods and the time and energy that is required to get a perfect picture of a particular individual problem takes some considerable time and perhaps should be done over a number of seasons.

So I would have thought that, by holding up this bill—and I understand the Hon. Mr Cameron's problem in relation to the next fruit season—with it coming back in October, it would probably be at least November before we were able to consider it and we would then be heading for the ripening season for cherries and perhaps other fruits in the Adelaide Hills area. We would have completed the report and would have had some recommendations as to handling the individual problems.

We have the problem associated with galah aggregation in Port Lincoln. We have seen the way in which local government has handled that problem over there. It has upset a lot of people with the way in which the galahs have been bludgeoned to death in full view of tourists and children, etc. We have had aggregation of geese on Yorke Peninsula. That problem has been handled by National Parks and Wildlife, PIRSA and farmers in a particular way that allows for some flexibility, and I think a humane way has been found to deal with that problem. Given the time, energy and effort and the available resources targeted at the problem in relation to our native birds, we have come up with recommendations that mean that we would probably write better legislation than perhaps we would at this time.

The alternative is for the government to bring back the bill at a later date. After the recommendations of the committee have been pondered and agreed to and the stakeholders and others have been involved, we may be able to make recommendations to revisit the bill. If we are not successful in holding back this clause, perhaps the minister might talk to the minister who is in charge of the bill to see whether we can revisit it after the recommendations of the committee are known.

The Hon. T. CROTHERS: Independent Labour still opposes the amendments. I want to place on the record some thinking matter for members to consider with respect to the bird cull relative to orchardists. Since the advent of European settlement in Australia and the use of arable and other lands by graziers, farmers and orchardists, many dams have been put in place. There is now a greater amount of access to fresh potable water for some of our bird species, and for our kangaroos too, than was the case prior to British settlement.

Prior to European settlement more of our species were culled by natural attrition because of the periodic sustained droughts that we have. Many of the species that we endeavour to protect now, which I would say have multiplied since European settlement, were culled by nature's own method of keeping down the population of indigenous wild animals or indigenous native species—birds or whatever—to a level that the country's resources could sustain.

The indigenous Australian was not a farmer, was not a man or woman who produced off the land, but was a hunter-gatherer. I have no doubt whatsoever that a lot of the species we now get so worried about—the koalas on Kangaroo Island and the dolphins at Marineland—were culled by natural attrition. We were told that the dolphins were going to die, so they were taken from Marineland and transferred to Sealand. The Labor government of the day was forced to feed them while searching for a solution that would have cost $500 000. I am pleased to report that the first of those six transferred dolphins died about three months ago, some many years after the closure of Marineland.

The Hon. T.G. Roberts: Did you go to its funeral?

The Hon. T. CROTHERS: I suggest that we keep the zoo open, because it may well be, after the debate on this matter, that we introduce a few newer species and put them where they belong—behind bars with muzzles on. I still think these amendments are a lot of tosh with respect to the protections that our commercial orchardists, fruit growers and all sorts of people need.

If I thought for one moment that any of our wildlife was under threat and was going to be whittled down to that point, even before it would appear to be in the most danger, I would act, because I am a true environmentalist. What people who are extreme and who are on the wings of environmentalism do not know and understand, or people who use it for political gain or electoral enhancement, is that they do the cause of sustainable environmentalism much damage. Professor David Suzuki was so peeved—that is another word like 'tosh'—

The Hon. T.G. Roberts: It's nothing like it.

The Hon. T. CROTHERS: You listen and you learn: you learn well. I'll teach you. Don't go down to the South-East yet. People such as Professor David Suzuki, himself a biologist or biochemist (he was certainly in that field of science)—a very well-respected, rational man—decided to leave Greenpeace because its extreme activities were damaging. It had no game plan but, rather, emotional appeals—the baby white harp seal being clubbed to death when in fact it was essential to cull those animals if the species was to survive. And as it was with the koalas in Kangaroo Island. I do not see what the fuss is here—

The Hon. T.G. Cameron: Even the Democrats were supporting culling them.

The Hon. T. CROTHERS: They were not, were they! Shock; horror. Anyhow, the position really is that the species is not under threat. I am not suggesting that anyone here is an extreme environmentalist. I am always a person who bubbles along a few ideas; if the cap fits, then the wearer can put it on his or her head and wear it and see what happens. If the species were under threat as a result of the protection to our commercial farmers—and, after all, the more income they earn the more money we have to spend on promoting sustainable environmentalism—I would move to protect. It seems to me that these amendments do not go part of the way to resolving any problem, which I think is a perceived problem, almost a manufactured problem—

The Hon. T.G. Cameron: Which part do you object to?

The Hon. T. CROTHERS: All of it. It has all been put there for the same reason. It is all tosh.

The Hon. T.G. Roberts interjecting:

The Hon. T. CROTHERS: You can laugh. I will let the readers of the contributions make up their mind about them. You will not be able to use this *Hansard* to advance a lateral cause up the track with your core vote of environmentalists, not unless you are honest and use my contribution as well—and I am not suggesting that you would do that, but I make the point of your knowing, so as to show you that, as well as being somewhat rotund around the girth, I have some stretch marks in my make up and some pragmatic capacity to admit to being an extreme supporter of sustainable environmentalism.

With those few words—well-chosen, well-aimed, badly aimed or not—I leave members to ponder the contents of my contribution with respect to the culling of some of these

species of parrot or bird relative to the protection of commercial cropping. Before the culling of the galahs in Port Lincoln which were in absolute plague proportions over there—nothing seen like it before or since the bubonic plague in England—

The Hon. T.G. Roberts: A stick on the head a good solution?

The Hon. T. CROTHERS: No, I didn't say that. I am talking about culling; I did not say that. Perhaps you said that because somebody beat you too often on the head with a stick. What I am saying is that nobody is saying anything now about the culling of those galahs that are making life a misery for the 12 000 residents and arable land producers in that part of the West Coast. No-one is saying anything now about the culling of the koalas on Kangaroo Island.

Whilst these are all matters of the political flavour of the moment, they just do not get the job done in a way that effectively maximises the capacity of this parliament and some of its members to meaningfully deliver legislation which is of benefit to the state, its people and the state's environment.

The Hon. J.S.L. DAWKINS: As a member of the Environment, Resources and Development Committee, I am pleased to say that, in the 2¾years I have been a member of the committee, it has tabled a number of reports. I agree with what the Hon. Mr Elliott said earlier; in my time also there has never been a dissenting report. I think we have worked very well to get as close to consensus as we can. I am pleased to say that the other committee that I sit on is similarly placed, and the Hon. Carmel Zollo can testify to that.

I acknowledge the concern expressed by the Hon. Mr Elliott earlier this evening and, I believe, by the Hon. Terry Roberts, but I apologise to the Hon. Mr Roberts because I did not hear all that he said. I thank the Hon. Mr Elliott for a copy of his proposed amendments, which he gave me as soon as they became available, and I understand the reasons for the lateness in their being drafted. However, I, like the Hon. Mr Roberts, was not involved in the negotiations in the other place today, but I understand that it has been reiterated quite strongly on the record, and it is the case, that this legislation can be revisited depending on what the committee comes down with.

I also noted the Hon. Mr Elliott's comments on another motion, last week I think, that he had great hopes that the Environment, Resources and Development Committee could bring down its report on this inquiry within a few short weeks. I hope that is the case, but I am also a realist, and because our research officer has just left us it will be some weeks before we can replace that person, although we might put some other arrangements in place. I have not been in this place very long, but I recognise that quite often the best estimates usually turn out to be longer. I hope that we will have something down in October and, if we produce a report that is as good as the committee's reports usually are, the bill can be revisited if the committee has made suitable recommendations.

I have enjoyed the considerable amount of evidence that has been taken, including some in relation to the alternatives to culling. The Hon. Mr Cameron spoke earlier about all the alternatives that he has tried on his property, including nets—

The Hon. Diana Laidlaw: A scarecrow.

The Hon. J.S.L. DAWKINS: Yes, and a Guy Fawkes, as he described it. I have lived in an area where a number of different scaring devices were used and I do a lot of work in the Riverland where a lot of things are tried. Very few of them work and, if they do work, it is not for very long, because, as the Hon. Mr Cameron highlighted, it does not take the birds long to work out that what has been put there is artificial. Having spent a fair bit of my life dealing with animals, I know that they are pretty smart.

I support the government's position on this matter and I look forward to the preparation of the report. As I said, I know that the willingness to exercise the right to bring the bill back and make some changes to it if that is considered appropriate is on the record in the other chamber.

The Hon. M.J. ELLIOTT: I move:

Page 8, lines 9 to 36 and page 9, lines 1 to 4—Leave out section 51A and insert new section as follows:

51A. (1) The Governor may, on the recommendation of the minister, make regulations declaring that protected animals of a species referred to in the regulations may be killed under this section.

(2) The minister must not make a recommendation under this section—

(a) in relation to animals of an endangered, vulnerable or rare species; or

(b) if he or she is not satisfied that the animals are causing, or are likely to cause, significant damage to crops or other property; or

(c) if he or she has not first sought and considered the advice of the council in relation to the proposed regulations.

(3) The council's advice must be in writing and must include advice—

(a) as to whether the killing of animals pursuant to the regulations is likely to affect significantly the population of animals of that species in the state generally or in any part of the state; and

(b) as to the monitoring (if any) that should be undertaken of the effect of killing animals pursuant to the regulations on populations of those animals.

(4) The council must include a copy of its advice to the minister under this section in its annual report under section 19D.

(5) Regulations under this section must set out—

(a) the part or parts of the state in which animals may be killed; and

(b) the class or classes of persons who may kill animals; and

(c) the circumstances in which and the methods by which animals may be killed; and

(d) a code of practice that must be complied with in relation to the killing of animals pursuant to the regulations; and

(e) any other restrictions or conditions subject to which animals may be killed; and

(f) the period for which the regulations will remain in force.

(6) Regulations under this section do not apply in relation to animals within a reserve.

(7) Regulations made under this section cannot come into operation until the time has passed during which the regulations may be disallowed by resolution of either house of parliament.

(8) Regulations under this section cannot remain in force for more than 12 months.

(9) Before making a recommendation to the Governor under this section the minister must prepare a report setting out—

(a) the extent to which, in the opinion of the minister, protected animals are being taken without lawful authority under this act; and

(b) the effect of the unlawful taking of those animals on the various populations of the various species of animals concerned.

(10) Before making a recommendation to the Governor under this section the minister must prepare a report setting out—

(a) the minister's estimate of the number of individual protected animals of each species being taken without lawful authority under this Act and the method used by the minister in arriving at that estimate; and

(b) the minister's estimate of the number of individual protected animals of each species previously killed under this section and under the corresponding section that it has replaced and the method used by the minister in arriving at that estimate; and

(c) the effect on the various populations of those animals of the unlawful taking and the lawful killing of animals referred to in paragraphs (a) and (b) respectively; and

(d) details of all other methods of which the minister knows that are available for the elimination or reduction of the adverse effects of protected animals on agriculture; and

(e) details of the research (if any) that the minister has undertaken to determine if there are any methods in addition to those referred to in paragraph (d) for the control of protected animals.

(11) The minister must, as soon as practicable after regulations are made under this section—

(a) cause a copy of each of the reports under subsections (9) and (10) to be laid before each house of parliament; and

(b) cause a notice to be published in a newspaper circulating generally throughout the state stating that the regulations have been made and specifying an address at which copies of the reports under subsections (9) and (10) may be obtained or inspected during normal business hours.

(12) It is lawful to kill a protected animal in accordance with regulations under this section.

(13) A person is guilty of an offence if he or she—

(a) is entitled to kill an animal in accordance with regulations under this section; but

(b) contravenes or fails to comply with a provision of the regulations when killing the animal.

Maximum penalty: $5 000 or imprisonment for 12 months.

(14) If a person is convicted of an offence against subsection (13), the minister may, by notice served personally on the person within 3 months after conviction, direct the person not to take an animal referred to in regulations under this section.

(15) The notice must specify the species of animal to which it applies and the period during which it will operate.

(16) A person on whom a notice has been served under subsection (14) who takes an animal in contravention of the notice is guilty of an offence.

Maximum penalty: $10 000 or imprisonment for 2 years.

(17) This section expires on the fifth anniversary of its commencement.

I was seeking to get an indication as to whether or not the numbers would see the measure defeated at this stage so that we could treat the matter after the committee reports. That clearly is now not the case, so I need to move the proposed new section. The amendment includes essentially all the substance of the measure within the bill, and I will highlight those areas that are different and why they have been included.

The first difference is that the power to allow quite significant shooting of these birds should happen under regulation rather than simple proclamation. It is a matter of opinion whether these things should be done by regulation or proclamation, but I find it staggering that more than 40 000 native birds could be shot without parliamentary approval. That is the first issue of difference.

The next issue was raised and acknowledged by several witnesses, and I refer to the need for a code of practice. Codes of practice would involve a number of things. Importantly, if birds are being shot, there are questions as to what they are shot with. For example, what is the appropriate weapon and what is the appropriate sort of shot for the parrots, or whatever the species is, in question? One way of culling is to use a short-term poison which does not kill the animal but which knocks it out briefly so they can be gathered up and humanely gassed. One of the problems is that, because it only knocks them out for a fairly short time, if they are not collected they become a feast for ants in the meantime, and I do not think that any reasonable person would want large numbers of birds to suffer that fate.

Another important component of the code of practice, which would be determined by the minister, would be a requirement that, if culling is occurring, a record be kept. One of the problems that the evidence has revealed is that we do not really know how many birds are being culled at present. It seems to me not an unreasonable requirement that, if the horticulturist has been out on the property and has shot 20 rosellas, that should be entered into a log that is kept with the gun.

The Hon. T.G. Cameron: You really think that they would do that?

The Hon. M.J. ELLIOTT: Some will, some will not. Our experience with the tuna industry, even with its problems, is that many tuna people have been keeping logs about dolphin deaths, shark entanglements, and other things like that, and that is a requirement. It would be a bit better than no knowledge at all, which is the current situation. What better way can there be of getting an estimate of the level of culling that is occurring? If we try to determine the level of culling that is occurring, other than having every property inspected all the time, who else would know other than the horticulturists themselves?

It is important information, not only to get a measure of the total kill, but it would also be possible to find out whether or not there are geographical problems, for example, whether or not there are concentrations in particular areas. Trials might try to find other ways of shifting the birds on. If there is data, we have something to use to move things forward, to find out what works and what does not work. It is not an unreasonable requirement that, within a code of practice, a simple log be kept of the number of birds that have been culled.

There is a risk that some people will choose not to keep it accurately, but I do not believe that the overwhelming majority would not do so. I am sure that most of them would try to do the right thing if they understood that, at the end of the day, this information would be used not only for trying to find out the total number of birds killed but perhaps also to gain some understanding of what else is happening in a geographical sense in terms of even reacting to different crops—different varieties of apples. We are told anecdotally at this stage that apparently the parrots are not keen on delicious apples and a couple of the older breeds of apple, but they really go for the new breeds. It seems as though they have the same exotic tastes as those at the end of some of our export markets. That does tell us something and it is useful information.

The code of practice is one of the few ways that I can think of where we can have a requirement whereby everyone who has decided to participate in culling has an obligation to provide information, as well as behaving in an appropriate manner more generally, which would include shooting practice and all those sorts of things. The question of a code of practice is the second issue.

The third issue is a requirement that a report be made by the minister as to the extent, in the opinion of the minister, that protected animals are being taken without lawful authority under this act. We have given an example relating to the Riverland, where one particular species of parrot, the regent parrot, which is not particularly common, has an unfortunate habit of perching on the top of trees and being pretty loud. It does not eat a lot of fruit, but it is very noticeable and quite colourful, as I understand it. However, the parrot that is causing all the damage is a green coloured parrot that darts into the middle of a tree, is pretty quiet but eats lots of fruit. Unfortunately, the fruit growers more often than not shoot the regent parrot, which they are not supposed to shoot, and the parrot that is doing all the damage is being left alone. They see the damaged fruit, they see this parrot and it is copping it, but one would hope—

The Hon. T. Crothers interjecting:

The Hon. M.J. ELLIOTT: I am not talking about that: I am talking about the innocent party in this case that occasionally cops it. All I am seeking to do is to get some understanding. This will be a much more difficult issue to determine, because I am sure the log books will not list the protected ones that are shot. However, the minister should seek to determine, as best he or she can, the level at which perhaps other species, off species, are being shot and, in many cases, quite innocently—there is a dash of colour through the trees and sometimes you do not know what species the parrot is. Of course, the other part of that report would be the effect that the unlawful taking of these animals is having on the populations of those species. That is the third issue. It is really an issue surrounding the killing of non-target species: we need to keep a monitor on that.

The fourth issue is a report which now seeks to look at issues surrounding the species that are being targeted and our best efforts to try to determine the size of the populations and the impact on those populations of culling. As I said earlier when we first debated this clause, and in my second reading contribution, every witness has conceded that we have very little knowledge about the size of the populations of these species. If we do not know the size of the species—and at this stage we do not know very much about the size of the cull—it is really guesswork about what percentage is being killed and also what the likely impact is on the species. I know the current guess is that the culls involve about 10 per cent of the species that are being targeted.

The next issue is an important one and one which is not addressed at this stage. Under the old system, you needed a permit. Now the minister will simply exempt certain species, but what happens if a person is behaving inappropriately? They do not need a permit: they can be doing the wrong thing, for example, shooting off target species and all sorts of other things. In my view, the way to approach that is by using what they call the negative licensing approach: you do not require a licence but, if a person does something wrong, they will not be allowed to continue. So, if a person has been found to be doing the wrong thing, if they have been abusing the right given to them by the minister, that can be taken away.

Under the current act, and certainly under the amendments that the minister is proposing, no sanction that is strong enough is available to the minister. I think that is important. Those are the areas of difference from the original clause. As I said, this contains virtually everything that the minister had included, but I have added to it. I restate one last time: my record in this place in relation to culling has been quite clear. I have supported kangaroo culling. I have actually criticised the government for not culling koalas on Kangaroo Island—and criticised it very strongly. If anyone says, 'You are against culling and you are against culling native animals—

The Hon. T.G. Cameron: We are not saying that.

The Hon. M.J. ELLIOTT: No, I am just saying that they are simply not true conclusions—and it is not true in this case, either. All I am asking members to do is to ensure that, if we do this, we do it properly. People need to be aware that the witnesses—and these witnesses include people who represent the horticulturists—are telling us that not enough effort is going into getting background information about these matters. This is coming from horticulturists, people such as the Apple and Pear Growers Association—

The Hon. T. Crothers interjecting:

The Hon. M.J. ELLIOTT: Most of what I am doing here does not imply the spending of money, for instance, a code of practice which might be used to ensure that we can collect data. As I said, it is only the horticulturists who are in a position to collect a lot of that data. That is something that the government will need to do. It is not something that the apple and pear growers can do with anywhere near the same level of efficiency or accuracy. I urge members to give this matter serious consideration. I know that there have been suggestions that we may be able to revisit this matter after the committee has reported, but my experience in this place is that, if you want to amend an act, the best time to do it is when a bill amending that act is before the parliament. If there is not a bill before us, there is no guarantee that you will get a chance to fix things later on.

I say to government members: next time you are in opposition, you will find that to be case. If you do not take the opportunity while the bill is before the parliament, more often than not the opportunity does not come back for another 10—

The Hon. J.S.L. Dawkins interjecting:

The Hon. M.J. ELLIOTT: I am making the point that experience does show that the best time to fix legislation is when it is before parliament and not to trust someone saying, 'We will do it later.' That can be a bit of a never, never promise. I urge all members to give the matter serious consideration and I urge their support. I am sorry again that this is being considered in much haste but, as I said, until some time after midnight last night I was still being assured that we would not be debating this matter: it was not until question time today that I was informed that we would be. That did cause a great deal of haste towards the end.

The Hon. T.G. CAMERON: I will be very brief considering the time. Notwithstanding the persuasive arguments that have been outlined by the Hon. Mike Elliott, I will not be supporting his amendment on this occasion. I take note of his comments that it is much easier to amend a bill that is already before the parliament, but this is quite an extensive amendment. At first blush it seems to be somewhat bureaucratic. I indicate to the Hon. Mike Elliott that I will look at this at a later stage, but I am not prepared to embrace this amendment on the run. I have had it in front of me for an hour or so and I will need more time to consider it. I support the government.

The Hon. DIANA LAIDLAW: I want to say a few words but I will not dwell on this matter very long, having spoken earlier and said that the government will not support any amendment to the clause. In terms of the comments made by the Hon. Terry Roberts on behalf of the Labor party, and essentially by the Democrats, I point out that, if we were to delete this clause or amend it in the manner that the Australian Democrats have proposed, we would not address this matter until October, November or December at the earliest. By that time the fruit in the orchards is ripe, the birds will have settled, the damage in terms of the next season would have already been done and it will be too late. That is why it is important that this provision is in the bill and why the government is very keen to retain it.

It is important in terms of the measures in this clause that one acts early in the season and not late. There are a number of matters that I do not want to dwell on now in terms of the amendments because this matter is before the ERD Committee, and I will not prejudice my understanding of what the committee might recommend. However, I highlight that, in terms of the code of practice, this bill allows for the code to be regulated, and a code is currently being developed.

In terms of the issue of mistaken identity and the regent parrot in the Riverland being shot, it is reasonable to say that we cannot regulate against mistaken identity, but the department and the community generally can do a great deal more through grower education programs. I strongly recommend that course. I look forward to receiving the ERD Committee report at some stage later this year or next year. In the meantime, it is important that this provision in the bill is progressed.

The committee divided on the amendment:

AYES (10)

Elliott, M. J. (teller)	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Roberts, T. G.	Weatherill, G.
Xenophon, N.	Zollo, C.

NOES (11)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V. (teller)
Lawson, R. D.	Lucas, R. I.
Redford, A. J.	Schaefer, C. V.
Stefani, J. F.	

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Clauses 18 to 20 passed.

Clause 21.

The Hon. DIANA LAIDLAW: I move:

Page 10

Line 30—Strike out 'subsection (1) to prove' and insert: subsection (1)(a) to prove—

(a)

After line 31—Insert word and paragraph as follows:

or

(b) that the defendant acted reasonably to frighten the animal in order to protect himself or herself or another person or to protect—

(i) property comprising plants cultivated for commercial or other purposes or animals; or

(ii) property or any other kind.

The intention of clause 21 is to provide legal protection for animals from unwarranted human interference. Examples include penguins in burrows that are poked with sticks to get them to come out for photographs, or whale watching vessels which approach whales too closely or too quickly or that separate a calf from its mother. As the animals are not necessarily touched, they are technically not molested. However, such actions are to the detriment of the animals themselves. From the inception of this bill this clause has never been intended to prevent a person from interfering with an animal if it is in the animal's best interest; for instance, moving a lizard to the side of the road.

In a similar vein, it is not intended to prevent a person from acting reasonably to frighten an animal to protect themselves or property. Examples of such actions include bird-scaring devices, or self-defence if attacked by an animal. All supporting documentation relating to this bill refers to these two defences. However, it was noted in another place that the second defence had been omitted from the bill. This oversight has to be corrected, and this amendment will permit a person to reasonably frighten, but not to injure or kill, an animal to protect themselves, another person or property, including crops and animals.

Amendments carried; clause as amended passed.

Clause 22 passed.

Clause 23.

The Hon. DIANA LAIDLAW: I move:

Page 11, line 2—After 'is amended' insert:

–

(a) by inserting the following subsection after subsection (4):

(4a) A condition of a permit may require compliance with a specified code of practice, standard or other document as in force at a specified time or as in force from time to time.;

(b)

I highlight that the following explanation applies to the amendments that I will move to clause 28, page 12 after line 8. Farming and harvesting of protected species is permitted only if a code of management has been endorsed by the minister. Currently, kangaroos are harvested and emus are farmed. There is a proposal to farm cape barron geese. Permits are issued for these purposes and the minister may impose conditions on the permit. Historically, such permits have been issued on the condition that the proponent abide by the endorsed code of management. However, the act states that the conditions may be made in the permit, not in documents referred to by the permit. Hence the codes may not be enforceable, although they are legal requirements of establishing the industry.

On the advice of Parliamentary Counsel, it is proposed that the ability to impose conditions be extended to allow for referral to a code. In a similar way, regulations cannot refer to a code: the provisions of the code must be individually regulated. The whale watching code of practice is a recognised standard on a national basis. Through allowing the regulation of a code, the importance of this document and others that may be developed in the future can be acknowledged and their provisions enforced. The code of practice for the humane destruction of birds is currently under development. Inclusion of this provision will ensure that the requirements of that document must be adhered to by persons who kill such birds.

On the advice of Parliamentary Counsel, a copy of any code which is regulated should be made available to the public and certified on behalf of the minister to be a true copy. These requirements would be met whether or not they were included in the body of the act. However, their inclusion provides public assurance that any code, standard or other document referred to in the permit or as a regulation will be available to the public during office hours.

Amendment carried; clause as amended passed.

Clause 24 passed.

New clause 24A.

The Hon. DIANA LAIDLAW: I move:

Page 11, after line 23—Insert new clause as follows:

Insertion of s. 70A

24A. The following section is inserted after section 70 of the principal Act:

Failure to comply with authority

70A. (1) The holder of an authority who contravenes or fails to comply with a limitation, restriction or condition of the authority is guilty of an offence.

Maximum penalty: $2 500.

Expiation fee: $210.

(2) In this section—

'authority' means a permit, permission or other authority granted by the Director or the Minister under this Act.

Currently, the only remedy available for breach of permit or licence is to revoke the permit. In the case of commercial tour operators, that licence may be their livelihood. It is unreasonable to revoke it for a minor breach. This has been proposed since the inception of this process and has been supported by Cabinet, the Portfolio Committee and the House of

Assembly. Parliamentary Counsel advises that there is no head of power in the act to introduce such a financial penalty and that the act should be amended to make this possible. My amendment facilitates this head of power.

New clause inserted.

Clause 25 passed.

New clause 25A.

The Hon. DIANA LAIDLAW: I move:

Page 11, after line 33—Insert new clause as follows:

Insertion of s. 73A

25A. The following section is inserted after section 73 of the principal Act:

Liability of vehicle owners and expiation of certain offences

73A. (1) In this section—

'owner', in relation to a vehicle, includes—

(a) a person registered or recorded as an owner of the vehicle under a law of this State or of the Commonwealth or another State or Territory of the Commonwealth; and

(b) a person to whom a trade plate, a permit or other authority has been issued under the Motor Vehicles Act 1959 or a similar law of the Commonwealth or another State or Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads; and

(c) a person who has possession of the vehicle by virtue of the hire or bailment of the vehicle;

'prescribed offence' means an offence against a provision of this Act prescribed by regulation for the purposes of this definition;

'principal offender' means a person who has committed a prescribed offence.

(2) Without derogating from the liability of any other person, but subject to this section, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.

(3) Where there are two or more owners of the same vehicle a prosecution for an offence against subsection (2) may be brought against one of the owners or against some or all of the owners jointly as co-defendants.

(4) The owner of a vehicle and the principal offender are not both liable through the operation of this section to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the principal offender and conversely conviction of the principal offender exonerates the owner.

(5) An expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the owner, if he or she was not the principal offender, to provide the person specified in the notice, within the period specified in the notice, with a statutory declaration—

(a) setting out the name and address of the principal offender; or

(b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and, in the case of a motor vehicle defined by section 5(1) of the Road Traffic Act 1961, has complied with the Motor Vehicles Act 1959 in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(6) Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice—

(a) setting out particulars of the alleged prescribed offence; and

(b) inviting the owner, if he or she was not the principal offender, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (5).

(7) Subsection (6) does not apply to—

(a) proceedings commenced where an owner has elected under the Expiation of Offences Act 1996 to be prosecuted for the offence; or

(b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the principal offender.

(8) Where a person is found guilty of, or expiates, a prescribed offence or an offence against this section, neither that person nor any other person is liable to be found guilty of, or to expiate, an offence against this section or a prescribed offence in relation to the same incident.

(9) Subject to subsection (10), in proceedings against the owner of a vehicle for an offence against this section, it is a defence to prove—

(a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or

(b) that—

(i) the driver or operator of the vehicle was not the principal offender or one of the principal offenders; and

(ii) the owner does not know and cannot reasonably be expected to know the identity of the principal offender or of any one of the principal offenders; or

(c) that, at the time of the alleged prescribed offence, the vehicle was being used for a commercial purpose; or

(d) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.

(10) The defence in subsection (9)(d) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(11) If—

(a) an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under this section; or

(b) proceedings are commenced against a person named as the alleged principal offender in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.

(12) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the principal offender.

(13) In proceedings against the owner or the principal offender for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

(14) A vehicle will be taken to be involved in a prescribed offence for the purposes of subsection (2) if it was used in, or in connection with, the commission of the offence.

(15) Without limiting subsection (14), a vehicle will be taken to be used in connection with the commission of an offence if it is used to convey the principal offender or equipment, articles or other things used in the commission of the offence to the place where, or to the general area in which, the offence was committed.

From the inception of the amendments to the legislation it has been proposed that the owner of a vehicle be responsible for that vehicle if the driver cannot be identified. For example, this would be the case if the vehicle was parked in a camping ground without a permit displayed and all the occupants were out fishing. The ranger would not be able to know who was responsible for the vehicle.

In a similar way, if the vehicle were parked in a prohibited area with a group of people nearby, the ranger would not be able to know who drove the vehicle or left it there. Cabinet, the Portfolio Committee and the House of Assembly have endorsed the proposal that the owner would be liable in such circumstances. This was intended to be a regulatory amend-

ment. However, Parliamentary Counsel advises that the provisions of the Road Traffic Act regarding speed and the red light cameras that we passed earlier in this session are included in the body of the Road Traffic Act and not in the regulations. On this basis, it is recommended, in terms of consistency, that this bill should be amended to reflect the provisions in the Road Traffic Act in relation to such matters.

New clause inserted.

Clauses 26 and 27 passed.

Clause 28.

The Hon. DIANA LAIDLAW: I move:

Page 12, after line 8—Insert new paragraph as follows:

(ab) by inserting the following subsection after subsection (2a):

(2b) A regulation may require compliance with a specified code of practice, standard or other document as in force at a specified time or as in force from time to time.

I gave the explanation when speaking to an amendment that I moved to clause 23.

Amendment carried; clause as amended passed.

New clause 28A.

The Hon. DIANA LAIDLAW: I move:

Page 12, after line 13—Insert new clause as follows:

Insertion of s. 81

28A. The following section is inserted after section 80 of the principal Act:

Codes of practice, etc.

81. Subject to this Act, where a code of practice, standard or other document is incorporated into or referred to in this Act, the regulations or a permit granted under this Act—

(a) a copy of the code, standard or other document must be kept available for inspection by members of the public, without charge and during normal office hours, at an office determined by the Minister; and

(b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a copy of a document apparently certified by or on behalf of the Minister to be a true copy of the code, standard or other document.

I gave the explanation when I addressed my amendments to clauses 23 and 28.

New clause inserted.

Clause 29 and title passed.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning: I move:

That this bill be now read a third time.

I have been asked by the Hon. Julian Stefani to repeat an undertaking given to me earlier today by the Minister for the Environment in relation to the ERD Committee report. The report has not been finalised, and we have not seen the committee's recommendations. Notwithstanding that, the government is keen to see the finalisation of the report and the recommendations. The government will advance the recommendations if they are reasonable and acceptable. Of course, private members can advance those matters by re-opening provisions of the legislation. I want to make that matter clear in summing up the debate on this bill tonight.

The Hon. J.F. STEFANI: I thank the minister for restating the position as I requested in terms of this matter. I also appreciate the position of the Hon. Mike Elliott in relation to this matter because he is a member of the ERD Committee. It is reassuring to know that the government will consider the recommendations of the committee in relation to this clause. I appreciate the minister's willingness to consider the matter.

Bill read a third time and passed.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1674.)

The Hon. M.J. ELLIOTT: I support the second reading of the bill. I recognise the deficiencies in this bill in some regards. It appears that a cap will be put in place for a set period. It is not a particularly long period, but there seems to be no other alternative. In the circumstances, one could ask: what is the point of the cap? If we apply a cap—and it is a temporary cap—it should have a purpose. In my view, the purpose should be to finally consider what to do with gaming machines in the future and hopefully resolve that issue prior to the removal of the temporary cap.

It would be unfair to issue further gaming licences and then make a decision later to change the rules in some way. We have enough difficulties already in relation to the number of gaming machines in the community. If we change the rules, it will cause problems for the owners. It would be a nonsense to change the rules later and, in the meantime, allow the number of gaming machines to increase. There are a number of options. It might be that the cap will become permanent, although I think that is unlikely. As other honourable members have noted, a permanent cap would increase the value of the existing licences similar to taxi plates, fishing licences and a number of other things. Ultimately, the only beneficiaries are the banks providing the loan to the new owners—whoever they might be. Therefore, a permanent cap is not my preferred option.

The most likely option on removal of the cap is to decrease the number of machines and phase them out over time. That is something that has already happened overseas in recent times where one of the states in the United States decided to remove all its poker machines. Another option—and probably the more likely one—is that the government will seek to apply codes of conduct in relation to poker machines, particularly in relation to problem gamblers. I understand that 3 per cent, 4 per cent or 5 per cent of problem gamblers are responsible for about 40 per cent of all losses. When the issue of problem gamblers is tackled, it is obvious that income will drop: it will not drop 40 per cent but it will drop significantly.

Changing the rules will have an impact on the gambling machine operators. I believe it is unfair to issue further licences while contemplating changing the rules. People make an investment in poker machines assuming the rules are of a particular nature, and then later they find that the rules are to be changed. We already have that difficulty with existing licensees and I am sure that, if we decide to make changes, whatever those changes are, they will, in the end. have to be phased changes. The party at a national level has a record that, where there are to be changes in rules and you have a choice, they should be phased, rather than happen overnight. Sometimes you do not have a choice: in particular, if they impact on income in any way, it is grossly irresponsible just to make an overnight change.

One example that I can think of is when there were changes in the taxation regime in relation to wine. In fact, the Democrats opposed those regimes when they came in, and when we did not have the numbers we then moved amendments to have each of the wine tax increases phased in over

a number of years, so that there was not a sudden impost on the industry. Unfortunately, we lost those amendments. But I cite that by way of example: if you are going to change the revenue stream, you should not do it overnight but you should provide a chance for accommodation to occur.

I will not guess what the parliament might do. I have said that, at this stage, I am leaning towards significant controls in relation to problematic gamblers and achieving that through some sort of gaming commission, and that will involve impact on revenue streams. If you are contemplating that possibility, I believe that it would be irresponsible, while such consideration is taking place, to issue further licences. On the other hand, as I said, there may be a decision for a phase out and, again, it would be a nonsense to allow an increase in the number of machines if the ultimate decision is that you are to have a phase out. That would really hurt a number of investors.

I indicate also that it is my intention to move amendments during the committee stage of this bill. Those amendments are aimed at a referendum in relation to gaming machines. It appears that gaming machines, like a small number of other issues, is an issue that, for one reason or another, the parliament genuinely struggles with and, in my view, it is an appropriate issue on which we can go to the community. Under my amendments, there are two questions that will be posed in the referendum that I am suggesting. The first question will seek an indication of support or opposition to a permanent freeze on the number of gaming machines: the second question will seek an indication of support or opposition to a phase out of gaming machines over a 10 year period.

So, those are the two questions that I am proposing. I had considered a third option, that is, the implementation of a gaming commission. However, I hope that at this stage the government is giving some serious consideration to that matter, and while I believe that is the case I would not seek to try to impose a referendum. But with respect to the other two issues it seems, in my view, that the parliament is incapable of making a decision in those areas. Even the Premier seems to have struggled. It has been two years since he said that enough is enough, that there should be a freeze, and since then we have gained another 2000 machines. It does seem to be an issue about which great procrastination is possible.

Frankly, this issue has to be resolved once and for all. I do not think that it will not disappear from this parliament unless ultimately the community is given a chance to express its view. If it expresses a clear view one way or the other, that would resolve the issue, in my view, for a very long time. Otherwise, I think that we will be having this debate every session for the next 15 or 20 years—and we need to have it, because it is an important issue. But this parliament at this stage is proving to be incapable of resolving the matter.

The Hon. CARMEL ZOLLO: In November 1998, I supported the gaming machines amendment bill introduced by the Hon. Nick Xenophon. It is a shame that we had to wait nearly two years to have this very important social issue looked at again—and another 2000 machines later, as the Hon. Mike Elliott has said. I suspect that this issue has now received the attention it deserves because of media publicity and polling. I said at the time that a freeze would assist in providing some balance in addressing a very serious social problem, but I acknowledged the reality that we have a legal gaming industry, which does provide employment opportunities to many people.

I again place on the record that I know that a freeze, especially in the legislative form as amended in the other place, will not in itself stop problem gambling—although, hopefully, it will stop a more people from becoming problem gamblers. A cap in itself is probably not the best method of doing so, but at least it is a start. It is incumbent on us, as members of parliament, to acknowledge that we understand the community's concerns that the gambling industry should have the necessary controls and that assistance be provided for those who become addicted.

On different legislation affecting gambling I have spoken at some length about the misery of problem gamblers, not only for themselves but also for their families. The Productivity Commission report also highlighted those issues, as has the AMA and many other institutions that assist people with problems. I again reiterate that we need to seriously consider just how much more our gaming machine industry can expand without a substantial growth in our population and without the social costs that come with such growth.

The AHA has written to members expressing its concerns about several issues, including transferability and retrospectivity. As a matter of principle, I do not agree with retrospectivity. I said in my previous contribution on the bill before us at that time that it is inappropriate to penalise genuine investors who have entered into the process under one set of rules and then to change those rules. I would like to see an amendment that addresses this issue in the committee stage. In relation to transferability, I said in debate on the earlier bill—which did not contain such a provision—that there was a need for that aspect, I am pleased that there is such a provision in this bill.

It has been pointed out several times (and we would all agree) that, if this legislation is passed, we will see the increased value of existing machines and the increased wealth of those who currently own them. It is regrettable, but I think it is already fact. Hopefully, with this increased wealth, we will see more employment opportunities offered in the industry.

The Hon. Nick Xenophon: Not necessarily.

The Hon. CARMEL ZOLLO: We should. If they have more income, to some extent, I suppose, we should be able to. There will be more wealth to go around and, hopefully, more generosity.

The Hon. Nick Xenophon interjecting:

The Hon. CARMEL ZOLLO: They are not all greedy. It is a legal industry. As well as this cap, I believe that we should continue to focus on the amount of assistance and the manner in which it is offered to those members of the community who are addicted to gambling. I agree that we need significant controls, and I hope that during the next session we will be able to process the Hon. Nick Xenophon's bills which deal with those issues. I support the second reading of this bill.

The Hon. J.F. STEFANI: It is very clear that, right from the outset, I have been a very strong opponent of poker machines, and my position now is very clearly the same as it was some years ago when poker machines were first introduced. The bill that this chamber has received from the other place is a somewhat convoluted effort which, in some way, endeavours to address the issue but does not necessarily achieve a result.

I am of the view that the community at large is looking for the parliament to advance some form of cap on the poker machines that obviously are causing so much social harm to

our community. I am not in favour of retrospective legislation, because this imposes a great deal of difficulty on people who in good faith have proceeded to invest substantial sums of money and who have proceeded in accordance with the law prevailing at the time when such poker machine applications and licences could be issued.

I know that this problem is placing the Liquor Licensing Commissioner in a very difficult position, because obviously there are licences that at the moment are being held up and not considered. The other aspect of the legislation which I am somewhat concerned about is that we are not really putting a cap on the poker machines as such. It is important for me to say that I do favour a cap on poker machines. I know that the government in responding to the community's feelings and views is endeavouring to address the issue. However, so far we have not achieved any results, and I believe that it is time that we do. Perhaps the way forward will be for the government, for the opposition, and for all parties to work together to bring forward a piece of legislation that is agreed in principle to start with so we can progress the debate and achieve a result.

I am a strong and fervent supporter of a combined and bilateral approach, a bipartisan approach, to this. If we are to achieve a piece of legislation that will both respond to community feelings and views, as well as achieve a result that will be acceptable to all parties, we ought to work towards that result and that endeavour as a combined effort. I am sure that there is the capacity and the goodwill within this parliament to achieve it, and I would like to recommend that we do that. I know that this legislation will not be the answer. I certainly will not be supporting the second reading. However, I do believe that the way forward is for a combined effort.

Finally, I would seek in that combined effort that we, as a parliament, review the social consequences and the social ills that the poker machines have caused. There is a problem that has now emerged in our community. There are a lot of families that have suffered, and I think it is incumbent upon us all to ensure that we address the bad effects that poker machines have had in our community. It is important for us to review the way that the general education in relation to gambling is treated and, in fact, I am sure that if we have a more proactive approach in educating the community in this area we may achieve a greater result and less addiction to the gambling habit. With those few words, I indicate that I will not be supporting the second reading of the bill. However, I am committed like many of my colleagues in this place and in the other place to ensure that we do something positive about poker machines.

The Hon. L.H. DAVIS: I indicate that I will not be supporting the second reading. I think my colleague the Hon. Robert Lucas summed it up, in perhaps all too polite terms, by describing it as a dog's breakfast. This Council, to be fair, has spent many hours debating gambling regulation measures proposed by the Hon. Nick Xenophon. This, of course, has been brought into the Council at short notice from another place and reflects a very hasty consideration. It reflects very much a bill that has been put together by many people. It is defective in many respects.

The first issue I want to address is retrospectivity. I think it is inequitable to allow a measure like this which relates back so many months. I think it would create considerable injustices to many people. I want to give the Council an example from a big operator, and also in relation to a small operator—practical examples from the real world. First, I refer to the Saturno Group, which is a well respected large organisation, a successful organisation, which provides employment for many people. It had entered into a contract with a developer to apply for a hotel licence for a new site in Parafield Gardens. That application had been lodged prior to 30 April 2000, and had been heard by the Licensing Court after that date, when a hotel licence was in fact granted.

Then soon after 30 March an application for a gaming machine licence was lodged with the Gaming Commissioner. It has been granted by the Gaming Commissioner, but, of course, after the date of the freeze. As honourable members would well know, the Gaming Commissioner, quite properly, has advised those people who have received a gaming machine licence after 30 March of the risks they run.

To date, the Saturno Group has spent between $50 000 and $100 000 in acquiring the licence, and the proposed developer has entered into a contract to purchase the subject land. The project will be significant in terms of its economic benefits to the area. It will employ 60 people in the Parafield Gardens area, an area where, I suspect, unemployment rates may be higher than average. In fact, it is a $4 million to $5 million project. And the Licensing Court judge recognised that it would be a quality project, an English-style tavern with upmarket hotel facilities, in an area which at present does not have any such facilities.

This project is certainly unlikely to proceed if the client does not obtain a gaming machine licence, given of course that, and this is the important point, the application for the hotel licence was lodged prior to 30 March 2000. Let me give another example of a hotel in Strathalbyn, which has increased its number of machines since the freeze date, and which spent money on the premises prior to the freeze date and employed more staff. They also will be in the same position of suffering financially if the bill becomes law. They would in fact have to give up at least one to two staff members and the financial loss would be in the order of $30 000.

The point that the Hon. Michael Elliott made I think is a fair one, that people have known for some time, certainly since March 2000, that this parliament has been considering a cap of some description on gaming machines. Although I am opposing the second reading of the bill, I would like to foreshadow that if legislation is brought back, of a more considered nature, in the new session I would support, indeed, be a party to introducing, a clause which would make 13 July, today, the cut-off date for any freeze that may be introduced. That freeze may be of a temporary nature or a longer term nature, but that is ahead of us if the bill that is now before us is defeated.

Let me put in some context the number of applications that have been received since 30 March. Applications for increases have been received from a total of 54 hotels and clubs for a total of 525 machines; and 279 of those applications have been granted. So just over 50 per cent of all applications received for increases were from clubs and hotels that already have gaming machines.

Applications have been received for new gaming machines from a total of 21 hotels and clubs. In both cases one suspects that there is an overwhelming preponderance of hotels; they are making up almost all the applications. Of the 21 applicants for a total of 338 machines—these were applicants entering the field for the first time—the commissioner granted licences for 85—roughly one-quarter.

One can see already that a financial commitment has been made and a lot of activity has occurred since 30 March. Some of that activity would have occurred in any event in the natural ebb and flow of commercial activity. There is no doubt that some speculative applications have been made: people have applied for perhaps more than they would have otherwise; and some have applied for machines with no real or serious prospect of installing them. One accepts at the margin that that might have occurred. But it does not take away from the overall thrust of the argument.

Albeit that I opposed poker machines initially, I commend the Australian Hotels Association for its very open approach to these matters. I received a letter dated 12 July—and no doubt other members received a similar letter—stating:

> The hotel industry has a clear stance on a cap on gaming machines. We do not believe a cap will help problem gamblers. However, we are willing to live with a cap as long as it is workable and does not stifle growth in the industry

It makes the point, with which I concur:

> The freeze passed in the lower house of parliament only goes part way to meeting our concerns. It allows for greenfield developments but fails to address the issue of machine transferability.

That has been accepted by National Party MP in another place Karlene Maywald, who was quoted only yesterday on 5CK ABC Port Pirie as follows:

> I don't think that a cap is going to be the answer to problem gamblers. . . In the Riverland we have a number of community hotels and community clubs that are thriving because of poker machines.

This is by no means an easy subject. The *Advertiser*, which is now in full swing supporting a cap on poker machines—

The Hon. Nick Xenophon interjecting:

The Hon. L.H. DAVIS: But it is at the moment. It is supporting a cap on poker machines, but it did not always have that view. The luxury of the media! Judging everyone else, but who judges it? On 16 July 1990 it was attacking Premier John Bannon for refusing to introduce poker machines into South Australia. In the editorial opinion of that date, in its typical fulsome fashion, it states:

> Gambling has been accepted by the community as a way of life. Mr Bannon's problem, having approved almost every form of gambling yet devised, has been baulking at pokies as though they were significantly less mindless than most other forms of gambling, more addictive and destructive. Since it is such an uncomfortable notion that governments should be trying to save people from themselves and from developing their own sense of responsibility, the time seems long past when the state government should be objecting to poker machines. . . The wisest course would be to admit pokies on his own judgment [that is, Bannon's judgment] to the Adelaide Casino and the state's clubs and pubs now and to leave their future in the hands of the people.

Rex Jory, even more recently in April 1998, in support of poker machines, said:

> Poker machines have become a national whipping post, the wicked witch responsible for all community ills. There seems to be a pious self-righteous element to tales about poker machine spending.

This has been an issue, and the issue seems to me to be not so much the need for a cap on poker machines but the need to address the problems associated with gambling.

I believe that the Australian Hotels Association acts as a model around Australia for the money it invests in this area. No other code of gambling, including trotting, racing and greyhounds, commits the money to assist problem gamblers, as is the case with the Hotels Association; and it should be commended for that. That is one of the real issues that we need to address, and I think the government, through the numerous inquiries, has recognised that that is a challenge which it is currently looking at. There has been naivety in the community debate, as if a cap is the sinecure, the solution, when it is not. It will not solve problem gambling.

The Hon. Nick Xenophon, as we already know, has been disingenuous at the very best. He comes in here as a No Pokies candidate when, in fact, he supports poker machines in clubs but is dead against poker machines in pubs. What that might mean—

The Hon. Nick Xenophon interjecting:

The Hon. L.H. DAVIS: Now you change your mind: he is saying that he is not necessarily supporting them in clubs. I can give you quotes where you have said otherwise, but we will not get into that debate tonight; we will leave that for another occasion. The implication of that, given that clubs have suggested up to 200, is that you may close down pubs and all the attendant economic losses that are created as a result of that occurring, and create another monster, if it is believed to be that, in clubs.

If we abolish poker machines in hotels—and that is the extreme end of the options that we have—it will, over a period of time, reduce state revenue in 1999-2000 dollar terms by $175 million, which represents 9 per cent of all state revenue. Yet, when I asked the Hon. Nick Xenophon where the replacement revenue would come from, where the expenditure cuts would be, on the record he said, 'I was being mischievous.' That is hardly a responsible political approach.

In recent days we have seen enormous publicity given to the quirk of fortune that occurred in South Carolina, where poker machines are to be removed. At the moment they produce some $60 million in revenue for the government of South Carolina. But let us put it in perspective, because you can be sure that the Hon. Nick Xenophon will not put it in perspective. Let us put the facts on the table, because members have not heard them before. South Carolina has a population of 4 million people. With South Australia's population of 1.5 million people almost precisely, South Carolina is 2.7 times our population size.

The Hon. Nick Xenophon: It is about 2.3 times bigger.

The Hon. L.H. DAVIS: Four million divided by 1.5 million is 2.666 recurring, which is 2.7 if you want to round it up, but let us not be pedantic. I did not know that the honourable member was weak in mathematics as well, but let us leave that to one side. South Carolina is 2.7 times our population size, and its budget is at least that much larger than ours, from the internet figures that I have looked at, and, from Mr Xenophon's figures, the revenue from gaming machines is of the order of $60 million, and I take it that that is an Australian figure.

The Hon. Nick Xenophon: $US60 million.

The Hon. L.H. DAVIS: $US60 million. It makes no difference to the argument. I have not had a chance to check that, but let us say it is $A100 million on a 60¢ for the US dollar conversion. We are pulling in $175 million, ignoring the clubs (I am being generous to the Hon. Mr Xenophon), and if we throw in the clubs it is $200 million plus. We are talking about a five to six times difference by the time we adjust for population and the significance of gaming revenue on the respective budgets of South Carolina and South Australia. South Carolina is a state that I am familiar with. I have visited Charleston, which is the setting for *Porgy and Bess*. One might say in the case of the Hon. Nick Xenophon that it could be described as 'Porky and Bess'.

The Hon. T.G. Roberts: Were they home?

The Hon. L.H. DAVIS: No, they were not. It is a musical. I will tell you about it later. The South Carolina

example is interesting but the impact on the revenue base is dramatically different from what is experienced in South Australia.

I return to the nub of this bill, and that is that it has been hastily cobbled together. I sense that that is a view across the majority of the members in this place because it is a conscience issue. Community views are now more firmly known and we know the economic challenges, the social issues involved, and the delicacy of developing legislation that is fair in economic terms and recognises the social imperatives. I believe that, with goodwill, we can return in October and put forward legislation that is sensible and sensitive. As I have said, I would be happy to foreshadow that the legislation in October should be retrospective, if it includes a freeze provision on gaming machine applications, to today's date, 13 July. I oppose the bill.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I oppose the second reading. I opposed the second reading of the Hon. Mr Xenophon's bill on a similar topic on 9 December 1998 and I still oppose it. It is important when it is a conscience issue that we place our views on the record because the public is very interested in where we stand on these issues. I supported the original legislation to introduce gaming machines into South Australia, not from personal interest, because I am totally uninterested in gambling personally, but if people want to do these things for some kind of enjoyment, that is up to them.

Clearly what we are dealing with tonight is an absolute dog's breakfast that we have inherited from the lower house. I have just been down to the other house, which is debating another bill, which it will send to us, and it will be another dog's breakfast that those members expect us to deal with, but at least we will have some time to look at it. We are being asked to deal with this bill in a very short time. I am not sure what kind of undertakings were given across parties on this issue, but I have to say that I find it quite offensive that we are being asked to deal with this when we are very tired. We have not had much sleep in the last few days and this is an important topic. I have to be honest and say that I do not think it would matter if I had 25 hours sleep because I would still oppose this bill. It is important to note that some members may have a different view of this when they look at it rationally.

We have an understanding in this chamber that we have at least a week to look at legislation. We have not been given that opportunity in this case. However, we are prepared across all parties at times to deal with important matters of state. The government comes to us with such legislation from time to time, a bit more frequently than it used to, and apologises for rushing through important legislation, gives the reason, and we deal with it. That is because it has some kind of enormous impact. A recent bill of that kind concerned the Adelaide-Darwin rail link, and I think that all members were very keen to see that go ahead.

As I said, the Hon. Nick Xenophon moved a similar bill in December 1998, and we opposed it at that stage. Like the Hon. Mr Lucas, the Leader of the Government in the Legislative Council, I think that this is a very ill-conceived piece of legislation. It is clearly responding to the difficulties that some marginal seat candidates have in another place, and one would hope that we will be able to take much more of a state view. I know that we are much maligned by our colleagues in another place, but we are often called upon to sort out the messes that they present us with. This is another mess.

I am not prepared to deal with this mess at this late stage. I understand that this is the last night of the sitting of the parliament and, if necessary, I would prefer to look at this at another time, not that I will change my vote on it. It can be brought back 1 000 times. I have voted on this issue once and I stand by it. There are problem gamblers and there will always be problem gamblers. Some people, for whatever reason, are unable to deal with the way that they gamble.

I agree with the leader that more attention needs to be paid to those people in the same way as we are now looking at the huge and problematic issue of drug addiction in Australia and in the same way as we are looking at the issues of poverty. Some would say that the government is not looking at it very well, but one has to recognise that there will always be problems in our society and that governments of the day must look at how to deal with those problems. We must do that across parties sympathetically. However, I do not think that we can deal with this bill at this late stage. It has a huge number of problems in it and we could sit here for the whole weekend and not sort it out. It is important to put my views on the record. I oppose the second reading.

The Hon. CAROLINE SCHAEFER: I have expressed my views on a cap on gaming machines in this place previously, and I will not take very long this time. I was criticised the last time I spoke on this because I am chair of the Social Development Committee, which made a recommendation in its report on gambling in this state for a cap to be placed on gaming machines. However, that cap was considerably above the level of licences that already existed at that time and, as far as I know, that cap is still above the number of licences that currently exist.

My personal view was then and remains that market forces should be allowed to prevail. I do not believe that placing a cap on the number of poker machines in this state will make any difference to the number of problem gamblers or the number of gamblers who have problems and need assistance. As the Hon. Carolyn Pickles has said, we need to look at why these people have compulsive addictive problems, regardless of whether that be addictive gambling, alcoholism or many of the other difficulties in which people sometimes find themselves.

I believe that retrospectivity, in principle, is wrong on almost every occasion. On this occasion it would certainly create havoc with commercial investments in this state, as was stated by the Hon. Legh Davis and others, and, above all, it gives a huge advantage to those who already have poker machine licences and excludes those few who do not. It will particularly impinge, if it is passed, on the few smaller clubs such as the odd bowls club or golf club that might want to put in a couple of poker machines and have not already applied for a licence. They would be excluded while those commercial ventures that already have the maximum number of poker machines—which, as has already been pointed out, is a cap in itself: no premises in this state may have more than 40 machines—are guaranteed a commercial advantage into the indefinite future. Fewer machines will not make fewer gamblers: it will just make the queues in front of gaming machines longer, in my view. Like other members, I could speak for longer, but I have been asked to put my view on the record, and I am doing that. I oppose the second reading.

The Hon. J.S.L. DAWKINS: I indicate that I oppose the second reading. I have indicated in this chamber before that, if I had been in this place when the legislation enabling the introduction of gaming machines was debated, I would have almost certainly voted against it. However, I am aware that many South Australian businesses have invested significant sums of money based on the current legislation, and we have to recognise that fact. I voted against the Hon. Mr Xenophon's legislation to freeze the number of gaming machines late last year.

One reason for opposing the legislation was a concern for those people who have made legitimate plans to purchase gaming machines and who would be retrospectively affected by its carriage. Along with others in this chamber, I indicate very strongly that I do not like retrospective legislation of any type. I also have concerns that a freeze or cap would create the unintended and clearly undesirable situation where the value of existing gaming machine licences, and possibly the venues in which they operate, would be considerably inflated.

I, too, as did other members, received a letter from the Australian Hotels Association of South Australia yesterday dated 12 July. I will not read it, but one paragraph talks about the bill that has come up from the lower house. In part, it says:

> It also does not address the issue of retrospectivity, which means under a cap a number of business transactions such as the sale of the Cavan Hotel will not go through.

That is exactly the sort of thing that has concerned me. I do have a general concern about the level of gambling problems—

The Hon. R.R. Roberts interjecting:

The Hon. J.S.L. DAWKINS: I did not see you there, either.

The Hon. R.R. Roberts: You were not there.

The Hon. J.S.L. DAWKINS: I might have been there before you. As I said, I have significant concerns and like others before me I am prepared to consider other ways of addressing the strongly and sincerely held concerns in the community and, if there are efforts to bring back some better considered legislation, I am prepared to look at that. I thought that the attempt at formulating good legislation by our colleagues in the lower house was pretty poor. It has been described as a dog's breakfast and many other things, but I think that that may be a little complimentary to the legislation.

I also note the comments about the existence of gaming machine venues in the border areas of the state. My colleague the Hon. Mr Davis talked about the comments of the member for Chaffey. The reality is that those border areas suffered very strongly in the days before gaming machines. We now have a very strong hotel industry in that part of the state which would not have occurred without the investment that has accompanied gaming machines. As I alluded to in my comments earlier, I could only support legislation aimed at restricting the number of gaming machines in South Australia which addressed the associated issues that I have mentioned. As I said earlier, I cannot support the second reading.

The Hon. R.R. ROBERTS: I indicate that I support the second reading of this bill. One can recognise the problems created with the fast passage of this bill. It has been described as the camel that started life as a plan for a horse and then was put in the hands of a committee. We have an opportunity to do some of the things that many people, especially within the Liberal Party, have been advocating for some time. This bill is similar to one that came before us last year—and the Hon. Mr Dawkins mentioned it—to place a cap on poker machines more in the way of a moratorium and to carry out some assessment of the history of where we have been and its effects.

One of the screaming arguments was: 'You cannot start then; you have to start it at another date. What about the poor people who will put in an application?' We also heard from Liberal members on that occasion, and two of them in particular said that, if they had been here at the time, they would not have allowed poker machines at all. The born-again gambling fanatics, having had a preponderance of poker machines which they were opposed to in the first place, are saying they will not support a cap. If that is not breathtaking hypocrisy, I do not know what is.

The other piece of hypocrisy was from the Hon. Mr Davis, who laid out all the problems about retrospective caps, then in the next breath he said: 'I will not support it now but, if it comes back in 3½ months, I will support a cap starting from today. Hello, Mr Davis. An application can be made from today until we come back next time and the same circumstances will apply. Then, undoubtedly, someone from the other side of the chamber would get up and talk about their commitment to no retrospectivity and we would go through the stupid ritual once again.

Nobody can say that since the introduction of poker machines in South Australia there have not been unintended or unforeseen problems. When this matter was discussed—and it was led by the Hon. Frank Blevins—the assumption was that we would make some $70 million per year. My understanding is that we are now up around $280 million, at least in turnover: I do not know what the profit margin is. They are the sorts of figures. No-one expected that we would get to that level. Do you know what people were saying at that stage? They were saying the same as the Hon. Caroline Schaefer is saying now. She wants to let the market set the level. It has been setting itself for years and years. There has been exponential expansion.

The other thing that has expanded exponentially is the problems associated with the introduction of poker machines. As someone who supported the introduction of poker machines, I believe that, if people want to gamble—and I gamble myself—they ought to be able to choose their poison, that is, which form of gambling they prefer. Having observed the effects of gambling, listened to people in local government, and listened to people in the community and in social welfare, I am not so stupid that I do not understand that there have been dramatic, unforeseen problems with poker machines.

Mr Rory McEwen from another place is saying, and we are saying, 'Let us stop. Let us have a cap.' That is exactly the same as Nick Xenophon said before. He said, 'Let us stop issuing licences; let us review what has happened; let us see whether we ought to have more machines, where we are going, and whether we can do it better, and then decide the future.' That future could be that there is a different method of handing out poker machines.

The other thing that the Rory McEwen bill provides, which I support totally, is that, if we have a cap and a reassessment, we ought also to say that there will not be property rights, otherwise we face the problem raised by the Hon. Rob Lucas when he said, 'We do not want to hand the pokie barons a big financial prize.' I think you said you would hand them a financial gift: that is closer to your words. I am sorry, but it is too late for that: we have already handed

it to them. Those who have a licence now almost have a licence to print money, and they will maintain that.

If we allow the moratorium and we give them property rights, we will face the problem of transfer of poker machines from one place to another. We will not then have a situation such as the Hon. Carolyn Pickles talked about where a bowling club is not able to get a poker machine but, in some small towns where people, through their own choice, say that they want poker machines, transferability of machines will mean windfall gains, because property values will be affected. There will then be a premium on every licence. It has been put to me that, in that sort of market, each poker machine endorsement on a licence would be worth about $40 000. I am not a supporter of property rights for any licence that has been handed out for nothing. I am fully aware of the problems that would be caused by giving property rights to people with poker machines, because we would have pokie barons.

The other argument that has been put forward is that we have a cap of 40 machines in one place but we did not put a cap on how many places could have machines, and there has been exponential growth. This legislation has had unusual development but it gives the opportunity to do what the Premier has said. He has advocated loudly for some years that there needs to be a cap and that we need to look at it. For probably the first time since he has been the Premier, I agree with him. I think it is a sensible proposition that we put on a cap, do a proper assessment and see where we need to go—not necessarily cut them out altogether but reassess.

An honourable member interjecting:

The Hon. R.R. ROBERTS: The Hon. John Dawkins obviously does not know that before you can complete any journey you must take the first step. This is a sensible step. It gives an opportunity, and it will—

Members interjecting:

The Hon. R.R. ROBERTS: I agree that there ought to be a cap in the form of a moratorium, with a proper assessment of what has been done, where we are going and how we can do it better. We can then move on. If that means that moving on from there will result in more poker machines after a proper assessment and the moratorium, so be it. I just find it the height of hypocrisy when people come into this place and say, 'If I had been here they would not have had any poker machines'.

The Hon. J.S.L. Dawkins: You've changed your position.

The Hon. R.R. ROBERTS: I have not changed my position. The hypocrisy is—

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.R. ROBERTS: I have always agreed with poker machines. I voted for poker machines. But—

The Hon. J.S.L. Dawkins: You've changed your mind.

The Hon. R.R. ROBERTS: No, I have not. You are like the Hon. Trevor Crothers. The Hon. Trevor Crothers, in the best tradition of the ex-secretary of the liquor trades union, talks about the loss of jobs and all these things. Putting a cap on will not cost one job because they all have the licence. The employment is still there. He may have an argument if he says that we want more employment, but all of these people—

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: The Hon. Angus Redford rises to the debate as usual. What he is now trying to suggest, according to this proposition, which says that nobody else will get any more, and they are not entitled to any more under the law, is that people will stop using poker machines. That is how ludicrous his proposition is. Nobody who holds a poker machine licence today—if this proposition is accepted by the parliament—will have one poker machine taken away. No-one will lose their job.

I will conclude on one other matter. As soon as we start talking about a cap we are dealing with people out there who are like hungry sharks. As soon as we start talking about applying a cap, they all rush in and apply for the maximum amount, which is exactly what happened in respect of lobster pots and other forms of licensing. They all apply for the maximum, but they do not take them up. The fact is that there are almost 2 000 machines out there that have been allocated to be installed but have not been taken up. There is a nice little pad for somebody to get into the poker machine industry because there are 2 000 machines out there now.

If we do as the Hon. Legh Davis suggests and leave this for four months and then come back to it, there will be a host of other applications and they will not all be taken up because they are betting that, if we put a cap on the number, they will have an opportunity for a windfall gain and they will have property rights.

I am supporting the moratorium or the cap. I am supporting a proper investigation. I am not supporting a situation where they can transfer them, nor am I supporting a situation—ever—that they have property rights whereby they can sell off their licences or trade them off somewhere else, and I refer to a situation where an operator could buy, say, the Terowie pub, close it down and then transfer the licence elsewhere.

They have a licence to print money now, and they ought to have it for their exclusive use while they want it. Then, when they finish with it, they should hand it back to be allocated in a manner which one would hope could be developed after a sensible moratorium and a proper review of all the circumstances in respect of controlling poker machines in South Australia. I invite all members to take the opportunity to do something worthwhile in the legislative process—perhaps for a change—and support this legislation so that a proper look at where we have been and where we ought to go can take place. I ask all members to support the second reading.

The Hon. A.J. REDFORD: I invite the avid readers of *Hansard* to read the contribution of the member for Ross Smith made in the House of Assembly on 11 July 2000 which succinctly sums up what this bill is all about. He said:

> . . . we have allowed the government of the day to increase directly the number of poker machines to whatever extent it wants. It is direct and not at arm's length, but by the will of this parliament, which is effectively by executive government, unless there is motion of disallowance. At the same time we have imposed a sunset clause whereby the so-called freeze, which is not really a freeze if the executive arm of government chooses otherwise, drops off the perch on 30 June 2001. However, we do get a review on all and sundry by the Treasurer, who is really going to look hard at knocking $220 million out of his budget in an election year.

I read these things with interest and I have to say that, in one paragraph, the member for Ross Smith has adequately described the intent and the effect of the bill.

It was introduced into parliament in the lower house by the member for Gordon in March this year with local headlines and amid less publicity in Adelaide. It sat on the lower house *Notice Paper* for some considerable time. Every Thursday it was brought up. One member at a time debated it and, finally, with some appropriate editorials and publicity, lower house

members poked their head out into the wind of the electorate, licked their finger and thought, 'Gee, the wind is heading in a certain direction. We had better pass this and handball it onto the upper house—

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: The honourable member interjects, quite correctly. The government gave it government time—

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: —the honourable member again interjects—to its credit. I must say that the government does not control the numbers in the lower house: the destiny of legislation in the lower house is entirely in the hands of lower house members. I will return to that point later, because I want to contrast it with another situation that the honourable member is entirely familiar with.

That was the process and, when wandering around the corridors of Parliament House, we heard people saying, 'Let's have this bill. I will vote for it. I will send lots and lots of letters to my constituents and say how I was hard and rough and tough on the poker machines industry. When you guys knock it back, I will write letters to all my constituents and say, "Those evil people in the upper house knocked this bill off."' I am sure that the Editor of the *Sunday Mail* is probably changing seven to 15 words of a previous editorial to say how heinous the upper house is in knocking this bill off, and how the upper house ought to be abolished. My natural constituency is not the Editor of the *Sunday Mail*. Unless or until I see him arranging delegates on the state council in any significant numbers, I will continue to read his editorials on the future of the upper house with a level of some disinterest and bemusement.

However, whilst I say that about the lower house, and the hypocrisy and the Pontius Pilot-like nature of my lower house colleagues, and whilst I have listened to some of my other colleagues tonight sitting there piously bagging the lower house—and I must say, with some good reason—we have not exactly covered ourselves with glory in the way we have treated this issue in terms of how we have run our *Notice Paper* and our agenda.

We all have different views on it, but we have been dealing with two significant bills, moved and introduced into this place by the Hon. Nick Xenophon. We began in fits and starts with his legislation and, to some extent, we should all be chastised for displaying to a greater or lesser degree some element of disinterest in the legislation he introduced early in this session. Notwithstanding that, in the spirit that we all operate in in this small chamber, we decided that we would regularly give his bills—and this is unprecedented, I might add—special time so that they could be dealt with discretely and we could come up with some result. Both his bills—his Casino Bill and his gambling bill—passed the second reading. We then proceeded to apply our ourselves diligently to the task of dealing with his bills in committee. We reached a certain stage in relation to his gambling legislation and then, at the honourable member's request, we decided that we would deal with the Casino Bill.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: We got to the stage of internet gambling. Mr President, you have been here—and a number of people have been here—when this chamber has done some pretty good work, particularly in relation to the Casino Bill and the general discussion on whether or not we should have a gambling impact authority; whether we should be focused (as current legislation appears to be) on issues of probity; or whether we ought to extend that focus to issues of problem gaming, and whether, as currently the hotel industry seems to carry the entire burden of problem gaming, we ought to extend that to other forms of gambling. And we have made some significant progress.

In the past three to four days, a number of things have happened in this place, where I believe that everyone seems to have taken leave of their senses. Later on tonight we will be eulogising the Hon. George Weatherill, and we all know that he has made—in the background, I must admit—some significant contributions in this area. He will be replaced by a new member, and I think that everyone ought to keep that in mind. So, in terms of dealing with this legislation, we have said, 'Don't worry about all that work we have done on the Hon. Nick Xenophon's bill on the casino legislation, and ignore the stage that we have reached in relation to his gambling legislation. Let us push those to one side and, at the behest of the lower house, and aiding and abetting its short-term constituency issues and ignoring the overall objective that this parliament ought to be seeking in terms of minimising problem gambling, we will argue something that has been put on the agenda wholly and solely by the editor of the *Sunday Mail*'—and, to a lesser extent (until this morning, I might add), the editor of the *Advertiser*.

I see all my colleagues piously chastising the lower house—quite correctly—but we have not come to this debate, in the past 24 or 48 hours, with clean hands. We have dropped all the work that we have done on two bills to spend precious parliamentary time to debate this bill. I know that they are falling off one at a time but, after counting the numbers, I think the bill will be rejected at the second reading. I do not know who was the author of this little arrangement, but if it was the Hon. Nick Xenophon—

The Hon. Nick Xenophon: No; I was given Hobson's choice as to the remaining parliamentary time. It was Hobson's choice. You had one or the other, and—

The Hon. A.J. REDFORD: The honourable member interjects (and I am sure he will explain) that it was Hobson's choice. The reality is that we probably could have finished the Casino Bill and told the lower house to wait its turn, like we do on every other occasion. I think that the honourable member has made a severe misjudgment in terms of how he should have applied what precious parliamentary time was available to him in terms of dealing with this legislation, and I think—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: It is not a matter of my colleagues; it is a matter of all colleagues. The issue down there was purely and simply a conscience issue. I have read the whole of the debate. It had nothing to do with the government or the opposition. In fact, to the government's credit, at a late stage it did allow government time to deal with it—

The Hon. P. Holloway: Why didn't it do it weeks ago?

The Hon. A.J. REDFORD: It was entirely a matter for the parliament, for the House of Assembly. The honourable member knows that the business of the house is in the hands of the members of the house and, if the majority of members in the lower house saw this as such an important issue, they could have put it on government time or added extra time or, indeed, sat an extra week to deal with this matter, if they felt that that was necessary. They were guided entirely by what they perceived to be the views, or the wishes, of the editor and some other community leaders in certain quarters on how this matter ought to be dealt with. Then they tried to give us,

in football terms, the hospital handpass. We will take the ball, and I know what we will do with it, and then the editor of the *Sunday Mail* will sit there this Sunday and piously bag this place.

The Hon. P. Holloway: The unrepresentative swill!

The Hon. A.J. REDFORD: The unrepresentative swill, as the honourable member interjects. The point I am trying to make is that we were doing some really good work on the Casino Bill, and we were having a lot of very intelligent and considered discussion about the Casino Bill and the gaming impact authority. We had an extraordinary discussion, as only we can in the upper house, about whether or not we should incorporate a very lofty principle in the Casino act. We had the Attorney-General saying, 'Look, I do not like your wording, but give me a chance to reword it. I understand your sentiments. I will come back here and I will support you.' The Hon. Nick Xenophon, as we were discussing each clause, was gathering numbers and making some pretty salient points in advancing his cause. He has basically jettisoned that, at the behest of the member for Gordon, so we can play politics with this stupid legislation—and it is.

An honourable member interjecting:

The Hon. A.J. REDFORD: Anyone from the outside would say that, because that is the way I feel about the way that this matter has been treated. I feel absolutely annoyed that I have to deal with this issue in this time, in this convoluted way, when we have done some bloody good work in relation to other legislation, and we have jettisoned it. When we come back in October, we have to start again with a new member. With the greatest of respect to that new member, we cannot walk in here with a new member and just pick up from where we left off: we have to start again. We have wasted a significant amount of parliamentary time, because we have allowed the lower house to dictate our agenda. So, we need not stand up here, as a number of speakers have done, and be holier than thou about the lower house.

The Hon. Carmel Zollo: So, who do you blame—John Kerin in the lower house? Rob Kerin, sorry.

The Hon. A.J. REDFORD: No, John Kerin comes in a number of guises: he is a lawyer, and he is one of your former colleagues.

The Hon. CARMEL ZOLLO: I meant Rob Kerin.

The Hon. A.J. REDFORD: Obviously, the honourable member is not listening. I said that the business of the house is entirely in the hands of members of the house: with respect to a conscience issue, if the majority of members decide that they want to devote time to it, they can. They ignored it for a significant period until they felt a bit of political pressure being applied, then they allowed government time for the debate, and then they handballed it to us and said, 'You have 24 hours to deal with it.'

The Hon. Carmel Zollo: The government is still in charge down there.

The Hon. A.J. REDFORD: It is not. The members are in charge of the house. The member ought to read a few books about how parliament operates. If the majority of members—

The Hon. Carmel Zollo: I think you are—

The Hon. A.J. REDFORD: Every time the honourable member interjects she shows how stupid she is. The bill got through—

The Hon. CARMEL ZOLLO: Sir, I rise on a point of order. I ask the Hon. Angus Redford to withdraw that remark.

The PRESIDENT: The honourable member has asked the Hon. Mr Redford to withdraw the remark.

The Hon. A.J. REDFORD: I will withdraw it. Every time she interjects she does not show how stupid she is, but I will say—

The PRESIDENT: Order! We have had this once before.

The Hon. CARMEL ZOLLO: Sir, I ask the honourable member to withdraw that remark.

The PRESIDENT: When one other member had to withdraw before, we went through this same charade. I would like the member to withdraw the remark and go on without repeating it or finding other words to replace it.

The Hon. A.J. REDFORD: I withdraw the remark. The honourable member interjects and, quite frankly, if she wants to interject she will get it back. The fact of the matter is that this bill got through by a majority of members in the lower house. Even the silliest of people can work that out—and, Mr President, I am not putting the honourable member in that category, but I will start from a low base.

The Hon. Carmel Zollo interjecting:

The PRESIDENT: Order! If the Hon. Carmel Zollo stopped interjecting it would help.

The Hon. A.J. REDFORD: It got through. If they can get a bill through they can devote, on the majority of numbers, the time to deal with it. I would suspect that even your average newly joined branch member of the right wing of the machine of the ALP would understand that very fact about numbers. I am sure that the Hon. Carmel Zollo did not get into this place with an absolute complete ignorance of how the numbers work.

The Hon. Carmel Zollo interjecting:

The PRESIDENT: Order, the Hon. Carmel Zollo!

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. A.J. REDFORD: The lower house has given us this Hobson's choice and the tragedy of it is that we got sucked in, and the Hon. Nick Xenophon got sucked in. It is an absolute tragedy that we have spent weeks dealing with the casino bill. We have dealt with it in good faith; we have dealt with it openly and we have come to a lot of conclusions and have advanced a lot of things, and we have jettisoned that purely and simply at the behest of the lower house. At the end of the day, whilst we condemn them and whilst we think they are silly, we have aided and abetted that stupidity. I will be voting against the second reading.

The Hon. T.G. ROBERTS: I rise to indicate that I will be opposing the second reading, perhaps reluctantly supporting this position. I would have preferred to see a more level debate around such an emotional issue, but, as I indicated last night, there are so many bills that are introduced either via the private members' mechanism that should be carried by government or introduced ad nauseam over the past decade that we seem to spend a lot of our time debating issues that are important in terms of social legislation but there are far more important issues for us to be discussing other than recycled gambling bills in relation to machines, recycled individual bills on prostitution, and the over-simplified complicated version of four into one on the prostitution bill. We seem to have spent an inordinate amount of time on euthanasia in the past, and I suspect that that will be revisited again.

Unfortunately, for those people of goodwill who do have principles about the legislation which they bring before this Council, there are many people who posture about their positions to satisfy a constituency within their ranks that they believe exists and, although the communities generally have

the good sense to continue their lives without the interference of cobbled together legislation, we tend to tear ourselves to pieces and get ourselves in knots and argue about points of order and selected pieces of the legislative process that really gets us nowhere.

I put this piece of legislation into that category, as the former speaker has. I think it has been carried up here by the honourable member, against his will I would have thought. He would probably have preferred to see the debate carried out in a different form, certainly not with the pressures of decision making on the final night of a long session, when it is quite possible—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member indicates that we would have more productively used our time on a casino bill. As I indicated last night, I would prefer to see a lot of the time, energy and efforts, and consultation, taken up in committee, where the committee process actually works out a composite of views so that the dog's breakfasts that we do get are at least ironed out in those committees, with the broad consultation that many of us desire. I understand that in another place with the prostitution bill last night a lot of time was wasted that could have been more productively used if the process itself had been worked out between the houses with a composite committee of both houses working out a way to proceed, rather than the four bills that were introduced in another place.

So we have it before us. We now have the position that I have to take, that is, not support the second reading. I indicated in a straw poll that I would like to take a breath and have a look at the implications of the social impact of gaming machines in society. I am not supporting a blanket ban. I certainly would not support anything that makes the gaming machines less accessible and more demandable in the community. That only creates bad messages in the community and it creates artificial demand for things that are just out of reach of the general population.

So I think that the idea of the cap is probably a way in which some people have got together and said, 'Well, let's have a look at trying to appear as if we are changing the circumstances in which we find ourselves but without really doing anything.' I think basically it is a bill to try to fool ourselves. I think the problem with creating caps and artificial regional caps, particularly with retrospectivity built into them, is that you get anomalies where individuals and communities can be hurt by it. I agreed to the introduction of poker machines in this state when the legislation was first brought in on the basis that regional communities would be impacted upon financially and socially if poker machines could not be brought in in the South Australian regional areas, that is, the border areas in South Australia.

As we all know, at that time a lot of money was going across the border to Wentworth in New South Wales, and eventually when the Victorians brought in poker machines Mildura and Portland became destinations for buses and for people pursuing poker machines. The demand is there. There is no doubt about that; people like playing poker machines. The issue that we have to face, as many other speakers have indicated, is that there is a small number of problem gamblers in relation to whom, if this is not picked up by the protocols introduced by the AHA itself, and identified and treated as social issues that need to be dealt with by the allocation of the funding made by the hotels and the government, doing anything with banning and artificial caps will not stop the problem. Even if the access is denied to, say, 25 per cent of the population, we will still have 2 per cent of the 75 per cent who will be problem gamblers and who will find themselves in difficulty, so I do not think we would be doing the community any favours.

The other real issue that needs to be examined in any review process or any breath that is taken by this government is to look at the increased spending that has gone into poker machines and the revenue gained by government, and to redirect and intervene in communities with the extra revenues that are being raised outside of the expectations of the government. No-one wants to do that. Everyone who speaks about the funds being raised which go into Consolidated Revenue finds that that becomes isolated by government for spending with its own categories and priorities. I would be arguing that if it can be identified, and apparently it can, where geographically the amount of revenue and funds that are put into these poker machines and withdrawn out of local communities can be identified, then impact statements should be looked at in relation to children's education, social security questions, junior sport, and those issues that impact on communities where social gambling dollars are taken out of the revenue base for local communities. That is where the reviews should be taking place.

We have a social activity that 97 per cent or 98 per cent of the population deal with maturely. We have a social activity that a small number of people find difficulty with. And that is the problem we have to deal with: intervening so that the spending of the government's dollar in relation to the redirection of the gambling dollar takes into account the impact on sporting clubs, charities, children's education and social security problems which are impacted on by gambling in families who can ill-afford it.

The issue of retrospectivity has been answered by most other speakers. The impact of social pressures on hotels not to pick up poker machines needs to be looked at in the light of hardship created to other hotels or clubs in those areas or due to the inability of publicans to refurbish or spend money on their hotels to bring them up to a state where people can enjoy the amenities. When the legislation was introduced, one of the benefits was that it did save a lot of hotels from going bankrupt and did allow hotels to spend money on their facilities to bring them up to a standard where people could enjoy their amenities—the entertainment, perhaps play the gaming machines in a responsible way, have a few drinks at the bar and an entertaining night out. That is in a perfect world.

What is starting to happen—and I think the government and the AHA ought to take note of this—is that a lot of hotels have turned themselves into mini casinos rather than broad based entertainment centres for mature adults and teenagers. Some hotels have turned over a lot of their resources to gaming areas and are starting to neglect the areas where meals are served, entertainment is provided and beer is served in front bars.

Now a lot of their attention and training programs are directing people away from those sorts of facilities and into the gaming rooms. If that continues and if the social architecture of the hotels changes to complement mini casinos I think we will have a shift in the numbers in this Council that the Hon. Mr Xenophon will require to achieve changes to try to prevent that.

The protocols that the AHA has introduced have been helpful but, if the social architecture of hotels changes to a point where entertainment, a meal, a beer with friends and socialising are not available, I am sure the restaurant industry

will pick it up. It would be a shame if that happened inside our hotels. I think we can have the best of all worlds: we can have the socialisation that goes with a few drinks and an enjoyable meal, with some entertainment thrown in, as well the gaming machines. If they are to dominate the landscape in hotels, then the objects of the legislation when first introduced will have been bastardised.

I will not be supporting the second reading for those reasons. If a social impact program, process or review indicates that intervention is required in those areas that I have outlined, then I will look at supporting amendments to the original legislation. But I will not be looking at any banning or capping, because I do not think it achieves what the well-intentioned originators of these bills were trying to achieve and it plays into the hands of those people who have no intention of changing anything but who only try to give the public appearance that they are.

The Hon. R.D. LAWSON (Minister for Disability Services): It seems to me that this bill is flawed in a number of respects, and I think very deeply flawed: it is flawed in its first provision in relation to the freeze on gaming machines; and it is flawed because of its retrospective operation. Other members have spoken about the undesirability of retrospective legislation, and I endorse those remarks.

The bill is also flawed in the exemption that it creates in new section 14A, which will allow an application for a gaming machine licence to be made notwithstanding the freeze if it is made in prescribed circumstances. It seems that the blanket provision of the legislation, to some extent, is sought to be ameliorated in an undesirable fashion—namely, by regulation. It seems to me also that it is a flaw in this bill that the freeze will end on 30 June 2001. It is really more of a sneeze than a freeze.

The 'review of act' provision contained in clause 4 is also inadequate. It is probably appropriate that, in this state, we do have some overarching inquiry into gaming and its affects, but it seems to me that the review proposed in this measure is a very ad hoc, inappropriate and transparently slight review.

The question I ask myself is whether this bill is so irredeemably flawed that it should be dispatched at the stage of the second reading without opportunity to amend or improve it. I accept that we also have been examining the Gambling Industry (Regulation) Bill. A great deal of parliamentary time has been devoted to that, and it seems, to me that many of the issues that arise under this bill ought to be considered in relation to that bill as well.

So the question I must ask myself is whether, in conscience, this bill should be dispatched now or whether an opportunity should be provided to the parliament for it to be debated and possibly amended. I see that a number of amendments have been foreshadowed, and one can imagine that some of the defects to which I have addressed my remarks could be remedied. When the Gaming Machines (Freeze on Gaming Machines) Amendment Bill was debated last year, the Hon. Nick Xenophon said, at that time in March 1999, that some 13 626 gaming machines were installed and that some 995 machines were approved but not installed.

Material provided to me a moment ago by the Hon. Nick Xenophon indicates that that number has risen, albeit not substantially, since that time. The material provided by him suggests that there are now some 13 639 machines granted, of which all but 901 are installed. That was the situation as at 30 March this year, the operational date for the purposes of the freeze contained in the bill. Prior to 30 March, a number of applications had been received. They are pending; they have not been granted. They amount in all to another 196 machines. Accordingly, in addition to the 901 not installed but approved, a further 196 could be approved and on which this freeze bill would have no impact.

A number of applications have been made, some of them granted, but all received on or after 30 March. The number of new gaming machines applied for is 338, and there are also increases on existing facilities for another 502 machines so, accordingly, if this bill is unsuccessful, a further 840 machines could be installed as at 30 June and no doubt that number is increasing as each day passes.

On the occasion of the previous debate, I referred to the report of the Social Development Committee of this parliament, which undertook an extensive inquiry into gambling. It tabled that report in 1998. One of the unanimous resolutions of the report of the Social Development Committee, of which I am pleased to see the Hon. Caroline Schaefer, the Hon. Terry Cameron and the Hon. Sandra Kanck were members and presumably they endorsed the unanimous recommendation of the committee, was that a ceiling of 11 000 gaming machines should be imposed, with a cap to be reviewed biennially with the long-term aim of reducing the number of gaming machines to fewer than 10 000 machines.

That was a very careful report of the Social Development Committee, undertaken by examining a good deal of evidence and hearing from a number of points of view within the community. It was a view with which I had some sympathy and I certainly believe that the reports of parliamentary committees ought to be accorded very close regard by members of parliament. In those circumstances, I supported the freeze on gaming machines proposed by the Hon. Nick Xenophon. On that occasion I was in the minority.

I recognised then as I recognise now that one effect of any freeze of this kind is that it will provide substantial financial and economic benefits to those who are already in the industry. It will provide impediments to others who want to come into the industry. It may to some extent encourage monopolistic behaviour by encouraging those who already own machines or want to get into the industry to buy businesses for the purpose of obtaining machines. It is a case that freezes have the effect of further enriching some people, many of whom are already rich.

It is no criticism of gaming machine operators that they have been very successful in this state. They have met an undoubted need in the community. It seems to me that the question is not whether we should attack gaming machine operators, because I for one would not, and I certainly will not be supporting the proposal in the Gaming Industry Regulation Bill that hotels get rid of all or some number of their gaming machines either in a period of five years or over any period at all.

My belief last year and my belief now is that this parliament ought to send a signal that it is prepared to closely examine limiting the number of gaming machines available in the South Australian community, to enable a pause to occur so that we can have a thoroughgoing examination of the effects of gambling on our community and especially its effect upon households and problem gamblers.

When one reads the draft report of the Productivity Commission on Australia's gambling industries, which was released in July last year, the Tasmanian Gaming Commission report, and also the ABS gambling industry statistics, one realises how very substantially gambling expenditure in

this country has risen. The number of businesses and clubs has very substantially increased, the gambling taxes and levies that are raised by gambling have increased substantially over recent years, and in this state in the figures provided in the Productivity Commission report, some $617 a year was the expenditure per head of adult population at that time, and no doubt it has increased now. Of that $617.20 per annum, some $351.40 was expenditure on gaming machines.

It is a substantial question and one that ought be addressed. For mine, although I acknowledge the defects of many of the provisions of this bill, I do not believe that it is so irredeemably flawed that it ought be consigned to the wastepaper bin at this stage. I will be supporting the second reading but I give no guarantee of support for its provisions, certainly not in its current form, on the later reading of the bill.

The Hon. P. HOLLOWAY: Haven't we done this all before? Not for the first time we are debating the issue of a cap on gaming machines and I am sure it will not be the last time. The only novelty is whether the result will be the same as it was when we last debated this issue. When the Hon. Nick Xenophon introduced his comprehensive Gambling Industry Regulation Bill, one of the clauses related to a phasing out of poker machines. I supported that bill at the second reading because there were a number of other measures in it, some of which were conscience issues for members on this side, and that enabled those comprehensive issues to be debated. However, this bill is concerned with just one issue, and that is whether or not a statewide cap should be placed on gaming machines.

There are some embellishments as to time limits for this cap and other qualifications on the cap, but essentially this bill is about one thing: it is about a cap. For that reason, I will not be supporting the second reading of this bill. I indicate again that I supported the introduction of gaming machines and, while the form in which they came was not exactly what I would have liked, I do not regret the decision. Certain conditions were prevailing at the time within the hotel and entertainment industry. Sure, poker machines have had their down side, no-one could deny that, but there is also a positive side, and unfortunately that positive side is not always given the credit it deserves.

I want to make a couple of comments in relation to the Hon. Angus Redford's contribution. I agree essentially with what he said about the Casino bill. I think that we were making significant progress on that bill and it was unfortunate that it had to be derailed to make way for this one. However, let me say that I do not blame the Hon. Nick Xenophon for that at all.

The reason why this bill has been brought before us is that the government decided at the last moment that it had better have the debate on this matter within the House of Assembly. I guess there were very good reasons for that. One of them would be certainty for business. I think the Hon. Legh Davis in his contribution earlier today gave details of some plans that the Saturno group had for a new hotel at Parafield Gardens. A number of developments are under way at the present time and, if the uncertainty were to continue about this bill over the three month break that we are about to enter, then that could have unfortunate consequences for industry. And so, it is a noble enough objective that we should get some certainty on this matter and that, for the benefit of industry, if no-one else, we should make a decision on this gaming machine cap bill.

I do not criticise the motives of the government in bringing forward the debate and trying to resolve it before the break. I wish it had done it a week or two ago so that the debate could have been handled in a more sensible fashion than it has been. Again I say I do not blame the Hon. Nick Xenophon for the fact that he has been lumped with this bill on the very last day of the parliamentary session.

In relation to the bill, if a cap on poker machines had been brought forward by this government as part of a comprehensive harm minimisation strategy for gaming machines, rather along the lines of what the Victorian government has put forward in a recent discussion paper, then we would have to look very carefully at such a proposal. However, that is not what we have here: we have just one single issue. We have a cap being proposed as indeed the Hon. Nick Xenophon put forward several years ago—and reference has already been made to that during the debate. We are not debating a comprehensive harm minimisation strategy of which a cap is a part: rather we are just looking at a cap by itself. Of course, the other embellishments on this bill, in my view, have been quite accurately described as a dog's breakfast, window dressing, tokenism—indeed almost every simile one could imagine other than a well reasoned and properly debated piece of legislation.

The basic question I ask in determining whether or not we should support this bill is: will the passage of this bill help problem gamblers in South Australia? It is very hard to see how it will. I refer to the recent Productivity Commission's report on Australia's gambling industries. At page 15.13 of the report, the following comment is made:

> The effectiveness of statewide caps in controlling problem gambling would, in part, depend on the starting point in the community which is contemplating caps. Where the starting point is one of considerable accessibility to gaming machines—as in New South Wales and Victoria—

and I would add South Australia—

> then the current number of problem gamblers is already high relative to the future possible reduction of problem gamblers that could be achieved by any realistic cap. In this case, (binding) caps would not be likely to reduce problem gambling (but would have adverse impacts on recreational gamblers).

The Productivity Commission's report on the gambling industry has been widely quoted as an authoritative document on the gambling industry. There is much in that report that is interesting and worthwhile, but the conclusion that it reaches on a statewide cap in the situation facing us in South Australia is that it will not be very effective in achieving the objective of helping problem gamblers. Was it former Senator Baume who once talked about the need to be seen to be doing something? Maybe that describes the motives behind this bill.

What would a cap on poker machines do if we imposed it statewide? The first problem that we would have is the retrospectivity element. That has been covered by the Hon. Legh Davis and I will not go through that again, but it would cause significant problems for developments that are under way at the moment. Another point I make is that we are probably already near saturation point as far as poker machines are concerned. If you impose a cap at a time when you are already reaching the saturation point for poker machines, obviously any benefits that might have in terms of reducing the problems of gambling would be minimal indeed.

The other thing that applying a cap would do is to create an effective monopoly for the current holders of a gaming machine licence or, in economic terminology, you would be rewarding rent seeking behaviour. What it would mean is that

those hotels and clubs that currently have a gaming machine licence would effectively be protected from any new competition. They would receive a windfall gain as a result of that moratorium, and indeed that could well create a whole new set of problems. Already in debate the Treasurer mentioned the taxi industry, so I will not go over that ground again. There are also problems in relation to licence transfers and this bill does make some reference to it. I have not had the opportunity to study whether or not this bill adequately deals with that matter because it has come before the Council only in the past 24 hours—and I have had a number of other pieces of legislation to deal with.

If this bill were to pass, it would certainly need a lot of scrutiny from this Council about whether or not it dealt with some of the problems that might occur. For example, how would one deal with the transfer of machines if a hotel was sold or if a hotel licensee were to die? They are legitimate problems which have to be considered. Other problems in relation to applying a statewide cap on poker machines are the localised problems. Within this state some suburbs are growing rapidly: other suburbs are in decline. If we were to impose a cap, over time we would get some imbalance in the number of poker machines in a particular area. We could well get too many in some areas that are declining: we might have too few in areas that are growing.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, that is true. It is possible, I would admit, to do some things. I must say that personally I have an open mind on the issue of regional caps. Whereas I am opposed to caps across the state for the reasons I am outlining, I concede that there may be a case in relation to regional caps, but that is a matter requiring a lot more thought. I note again that is something that is being considered in Victoria. I will be most interested to see what happens in relation to that matter there.

The final point I make in relation to what a cap may or may not achieve is that it is rather like a price freeze. What happens is that you tend to get a surge of applications before the freeze comes into effect and at the end of the freeze you have a backlog. That is, you tend to get a rush of applications before, you have the freeze and then you have more applications when it ends: over time it achieves very little. Unfortunately, I am old enough to remember the price freeze that we had in this country—I think it was back in the 1970s—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It was 1973, yes. I do not think anyone would say that was a great success. I would not expect a freeze on gaming machine numbers would be a great success here. There has been much debate on this subject. I will not go on for any longer. All the arguments that need to be made have already been made. I make the following comments in conclusion. I think we can say that there is an underlying problem with the operation of gaming machines. The fact that a majority of members of the House of Assembly could send this bill up to us is a concern, even if their solution was somewhat half-hearted and it is deficient, as we have criticised it today. Nevertheless, the fact that a majority of members of the House of Assembly have said that we should do something I guess is a statement of concern that we would be well advised to consider.

It means we will have to do more as far as harm minimisation for gaming machines is concerned. Perhaps that should apply not just to gaming machines but to all forms of gambling. I believe that an 11½ month freeze on gaming machines, which is what the bill provides—and there are numerous exemptions to that, anyway—is really just a feel-good distraction from the hard issues that need to be taken into account in relation to harm minimisation. I think that is where our attention needs to be focused, and it is a pity that some of the measures which the Hon. Nick Xenophon has put in his bill were cast aside for this debate. I know that the Hotels Association and the clubs in this state have introduced a number of changes in relation to dealing with problem gamblers. There are strategies for harm minimisation, and that is where we need to focus. For those reasons, I indicate again that I oppose the second reading of the bill, but I expect that issues in relation to harm minimisation associated with gambling will not go away.

The Hon. K.T. GRIFFIN (Attorney-General): My inclination has been to support the second reading out of a sense of frustration at the ever growing number of gaming machines in South Australia and the public concern which has been evoked by gaming machines. I did not support the introduction of gaming machines, and I well remember that the legislation passed by only one vote in the Legislative Council. That in itself created a sense of frustration. Of course, now that we have legislation which authorises gaming machines and significant business interests have been built on gaming machines, it is an area in which it is very difficult to close the door after the horse has bolted. One then has to look to how one best deals with the issues which gaming machines and their operation create for the wider community.

I have serious concerns about the way gaming machines impact on the lives of South Australians who use them, particularly those who are attracted by the glitz and the glamour, and those who are, I suppose one could say, seduced by the prospect of a quick fortune on the next spin of the wheel. We have to recognise that, for some people, gaming machines create quite significant personal and family problems. On the other hand, one has to acknowledge also that the operation of gaming machines has created a quite significant industry which provides for members of the community a wider range of food, entertainment and recreational facilities. However, one should not stop at that point because one should acknowledge that, generally speaking, these things have been provided on the backs of those who lose rather than those who win. That will always be the dilemma with gaming machines, as it is with other forms of gambling.

The cap on gaming machines has some superficial attraction but, if one analyses the way in which a cap operates, it is clear that it may have some short-term benefit but significant long-term disadvantages, and it is just a stopgap measure. The bill, for example, also has difficulties in the application of the cap retrospectively. Parliaments are always conscious of the need not to enact legislation which has a retrospective effect creating a detriment to those upon whom it impacts. Whilst, in some instances, retrospective or retroactive legislation is necessary, in the public interest one does have to exercise some considerable caution about the application of such legislation to private interests.

The issue of the sunset clause in the legislation is one which, I think, has not been fully thought through. I am not sure that there is much benefit in a cap that is to occur only for about 12 months because, at the end of the 12 months, although there is a review, there is no guarantee that the review will produce any outcome which in some way or another will have a more significant impact upon the way in

which gaming machines relate to the lives of South Australians and impact upon them.

The other issue which has constantly exercised my mind is that, when one imposes a cap or restriction on licensing availability, it always has the effect of enhancing the value of the licences which have already been issued to those who hold them. By the stroke of a legislative pen, for those who have already been fortunate enough to acquire a licence, the value of the licence is most likely to be enhanced by restriction. Whether the cap is temporary or permanent I think that will necessarily follow.

One of the challenges for government, whether it is with this form of licensing or other forms of licensing, is how to capture at least a proportion of that enhanced value, if enhanced value is to be created by that legislative pen, for the benefit of the wider community, because I do not think any citizen ought to benefit substantially from the mere passing of a piece of legislation which grants them some exclusive, or at least relatively exclusive, right to carry on a particular business activity.

I want to make a couple of observations about the way in which we deal with gaming, certainly in relation to gaming machines. Mostly they are issues of conscience. That is to be contrasted with the situation with liquor licensing. Whilst some aspects of liquor licensing are conscience issues for some members, issues relating to liquor licensing are mostly policy matters for governments. Using the Liquor Licensing Act as an example, that is committed to me as the Minister for Consumer Affairs: I can say that dealing with the liquor industry under the Liquor Licensing Act is a much more satisfying responsibility—where one can make positive achievements, and recognise and deal with the problems within the industry—than is dealing with gaming.

For example, I have a liquor licensing working group which comprises the representatives of all the different categories of licensees plus the Drug and Alcohol and Services Council as well as the Aboriginal Drug and Alcohol Council. That group is widely representative of the industry and those who might be affected either beneficially or adversely. Through that group we are able to address issues such as codes of practice, the minimisation of harm and the responsible service of alcohol and achieve a coherent response to some of the difficulties which might arise within that side of the industry.

Because the issues are dealt with mostly on a government policy basis—and ultimately in this place and in the House of Assembly it is matters of policy—and where they have generally been agreed with the industry accepting its own responsibility, then we can have a much more coherent and effective approach to dealing with problems in the liquor industry. That was evident only in the last day or so when we addressed amendments to the Liquor Licensing Act where, as a result of the contributions made here, originally developed through the liquor licensing working group, we were able to make some quite significant changes to liquor licensing law, including the creation of a new direct sales licence as well as putting some obligations upon the wider community in relation to the sale and supply of alcohol to minors.

In relation to crime, it is recognised that alcohol abuse plays a significant part in the levels of criminal activity. Through crime prevention projects and activities such as the alcohol, drugs and crime prevention working party, all those with an interest in trying to deal with the causes of criminal behaviour where it is related to alcohol abuse have an opportunity to work together.

I do not see the same level of activity in relation to gaming, and I think that is because issues of gaming are largely matters of conscience. Whilst there is a minister responsible for gaming machines, there is not the same ability to influence the policy behind such legislation and to take initiatives about such legislation. Because it is a conscience matter, the government cannot develop an across government/across community policy position. I think that is why gaming machines, the regulatory framework around gaming machines, and all policy issues affecting codes of practice and responsible administration of gaming suffer—because it lacks that ultimate government responsibility. We can patch at the edges, through support funds to those who might be adversely affected by gaming, but that is really only playing at the edges in coming to grips with some of the fundamental issues affecting gaming in South Australia.

They are the sorts of issues that I like to think we might be able to address more creatively, either through the legislation proposed by the Hon. Mr Xenophon or some other way. I hope that as a community we will accept that, ultimately, some of these issues have to be dealt with, not so much on a conscience basis but on a whole-of-government/whole-of-community basis. Things such as codes of practice for the way in which one deals with the harm created by gaming machines can be a very positive influence within the community.

That is the positive contribution that I would like to make to this debate. Notwithstanding my inclination to support the second reading as a means of demonstrating concern about gaming machines, and the lack of coherence in the way in which we address some of the issues of harm minimisation and responsible gaming, we would be deluding ourselves in believing that merely placing a cap for a relatively short term will achieve that sort of broader policy goal that I think is important. As the minister responsible for at least one side of the industry through the Liquor Licensing Act, I will certainly be taking a more active interest in endeavouring to deal with those sorts of issues. I hope that, as we address those issues through the Hon. Mr Xenophon's bill, we will come up with something much more positive and creative than we have at the present time. So, reluctantly, I will not support the second reading of the bill. However, I hope that we can make some more positive progress in the next parliamentary session without the need for legislative activity.

The Hon. NICK XENOPHON: I thank honourable members for the generally positive tone of their contributions in terms of doing something positive about dealing with the level of problem gambling in this state. However, it has become painfully apparent that the numbers are not here this evening to have this bill carried. The bill is not perfect: it does contain a number of issues that need to be addressed, and I take on board the criticisms of honourable members. But, on balance, I would have thought that this bill would be a step in the right direction in dealing with the issue of problem gambling.

The Productivity Commission states that caps are a blunt instrument in dealing with problem gambling: nevertheless, they are an instrument, a step in the right direction. And this evening this chamber has lost an opportunity to make a symbolic as well as a practical step in the right direction to deal with the issue of problem gambling in the community. We are not talking about one or two isolated cases: if you

accept the Productivity Commission's comprehensive findings, you find that there are tens of thousands of South Australians whose lives have been made worse by problem gambling in this state, and poker machines, according to the commission, account for 65 per cent to 80 per cent of problem gamblers in the state. The Productivity Commission made clear that something like 10 per cent of the population of Australia is affected by problem gambling—the 2 per cent who are directly affected, and the five to 10 others for each problem gambler who are affected. It is not a fringe issue: it is a mainstream issue, which this Council tonight has failed to address adequately.

It would be useful if I undertook a cook's tour of honourable members' contributions. I will begin with the Attorney's contribution. Notwithstanding my disappointment that he does not support the second reading of the bill, it is heartening to note that he will be taking a more active interest in this field. Much has been said by the Attorney and others on the issue of retrospectivity. I note as an aside that the government set aside its general objection to retrospectivity on the issue of the GST building contracts—but I suppose that that is an entirely different issue. However, when it comes to the granting of licences, and when it comes to, in an analogous sense, the issue of taxation legislation at a federal level, we did not have respective Liberal and Labor federal governments issuing statements that they would change a tax on a particular item, or closing a tax loophole and then waiting six months for that to be dealt with in legislation.

The practice at a federal level was to issue a media release which stated that, from a certain date, there would be no more, in terms of a particular loophole, or in terms of the principle of dealing with licences. Otherwise, the logical extension of what honourable members are saying about retrospectivity is that we will never reach the stage of having a cap, because there is always the inherent issue of retrospectivity in dealing with these sorts of issues, in the sense that, if honourable members are suggesting that we announce to the community that there will be a cap in place as at six months' time, the consequence of that will be that there will be a flood of new applications—and, indeed, as the Hon. Robert Lawson has pointed out, something like 840 poker machines are waiting in the wings to be installed from 30 March this year.

The Hon. K.T. Griffin interjecting:

The Hon. NICK XENOPHON: The Attorney-General makes the very good point that you can be more rigorous in the application process, and that is something that is addressed in the Gambling Industry Regulation Bill with respect to the issue of the granting of applications, to take into account social and economic factors and to allow communities to have a direct say—to have a local option, if you like.

I have visited the community of Melrose on several occasions in the past few weeks, where there is an application to install poker machines. There is an appeal pending, so it is inappropriate to go into too much detail with respect to that matter. But I can say that something like three-quarters of the population there have signed a petition saying that they do not want any poker machines in their community; they want to keep Melrose pokies free. So, whilst I appreciate the contribution of the Hon. Paul Holloway in terms of his view that a cap will not assist with respect to problem gambling, a cap would have assisted the people of Melrose if it was put in place in time, because members of that community would have known that they would not have any poker machines.

Some evidence was given about one gentleman from Callington who had a particularly severe gambling problem, and another family who had a family member with a particularly severe gambling problem. Members of the family gave evidence to the Liquor and Gaming Commissioner that they had moved from Mount Barker to Callington: such was the extent of the gambling addiction that they needed to get away from the proximity of gaming machines, and Callington was a place where they did not expect that gaming machines would be installed. In those sorts of cases, it does make a real difference to those people and it does give people in the community a sense of empowerment in terms of having their voice heard, because the current legislation does not allow for that.

I think that the Attorney's tentative views as to the approval process are something that ought to be the subject of further discussion, and I note that some honourable members in this place, even those who have been quite critical of this capping bill, indicated a willingness to work in a non-partisan manner to come up with solutions that will make a difference to those who have been affected by problem gambling. Earlier this week, I met a husband and wife. The husband had lost something like $350 000 in gaming venues. They were not wealthy people, and they had lost everything—their car, their home and their savings. The point that this man made to me was that they cannot get away from gaming machines anywhere in Adelaide: they are ubiquitous. They are around the corner; they are in your face. I think that a cap would have made a symbolic and practical point to the community at large that we are on the road to reform. But I think that we have lost that opportunity this evening.

The Hon. Terry Roberts spoke about the dominant landscape of hotels—that it is not desirable for hotels to become dominated by poker machines. But when you look at the revenue behind poker machines in this state—the hotel industry collects some $250 million in its share of poker machine revenue—I think we can say that many hotels are very much dominated by gaming machines.

The Hon. Angus Redford was critical of the fact that this bill was brought on, and I agree with honourable members that it has not been satisfactory that this bill has come up from the other place and that we have had to deal with it in a very short time. I am grateful to the Treasurer for facilitating that: it was a case of Hobson's choice in dealing with the casino bill or this bill. I want to place on the record that I am very grateful for the constructive suggestions made by the Hon. Angus Redford in relation to the casino bill and, indeed, the Gambling Industry Regulation Bill. Notwithstanding a number of fundamental differences that we have on a number of issues with respect to gambling, there are some issues that relate to an overview and oversight of the industry about which the Hon. Angus Redford and I have a lot in common. His contribution in the committee stage with respect to those bills is, I think, a shining example of what is particularly good about this place in terms of a good and constructive analysis of a complex piece of legislation.

The Hon. Caroline Schaefer made the comment that fewer machines will not mean fewer problem gamblers. I think that a cap would have made some difference. The Hon. Caroline Schaefer is right in saying that it would not have made a dramatic difference, as other members have said. But it would have made some difference: it would have been a positive step on the road to reform.

With respect to other members such as the Hon. Legh Davis and the Hon. Trevor Crothers, who talked about jobs in the industry, we need to look at what the Productivity Commissioner said. He said that, whilst jobs are certainly created in quite large numbers in gambling industries, it does not mean that there is a net increase of jobs in the community, that in the absence of that expenditure in gambling industries it will be expended elsewhere and that there will not be any loss of net jobs in the community. Indeed, the Small Retailers Association has gone further in its surveys, saying that poker machines are a job killer in the small retailing sector, particularly the food retailing sector.

The Hon. Julian Stefani talked about the need for a combined effort, and that is a common theme that has been picked up by other honourable members in dealing with the issue of problem gambling and the devastation that it causes to so many individuals in our community. I have reflected with respect to other bills as to the ultimate cost of problem gambling when people take their own lives. There is nothing worse than having to sit down and to talk to someone who has lost a loved one, where all the evidence points to the fact that gambling was the factor, the principal and overwhelming factor that led to the member of that family taking their life, who, but for that person's gambling addiction, but for the huge losses they incurred, would still be with their family today.

That is something that must not be ignored. It is a terrible price that we must pay as a community, that a so-called entertainment product is causing members of our community to take their lives in ever-increasing numbers. One gambling counsellor, as I have said previously, has told me that there have been 11 suicides in the case list over a 12 month period. That is an unacceptable cost.

I am grateful for the support of the Hon. Carmel Zollo. The Hon. Terry Cameron has indicated his support, as has the Hon. Ron Roberts, and I am grateful for their most constructive contributions, together with the views of the Hon. Mike Elliott, who believes that we ought to look at this in terms of the big picture, and having a Gaming Commissioner.

We have a curious situation, where the Premier of the state is on the record as saying time and again that enough is enough in relation to gaming machines, yet since making those statements we have some 2 100 extra machines in this state, and an extra $100 million-plus a year in gambling losses. I am also grateful that the Hon. Mike Rann, who seemed to believe that silence was golden on the issue of gaming machines until very recently, has finally come out and supported this cap. There is a glimmer of hope, but it seems quite incongruous that the Premier of this state cannot convince most of his colleagues in this place to support a cap, to support a measure that would have a tangible effect which would send a very distinct and positive message to the community that we are serious about doing something about problem gambling.

I think it is quite telling that the Treasurer pointed out that some of his colleagues in the other place said that they felt pressured to vote for a cap, because, I think he said, there were 8 000 Methodists. I think it is the Uniting Church now, but notwithstanding it indicates—

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: I apologise for that. But I think the point needs to be made that there may well be a number of members in the other place—because I think the Treasurer's point can be extended in relation to this current bill—who supported a cap because of concerns in their local electorates, where it was an issue, but who were secretly hoping that the upper house would defeat the legislation. I think it indicates that amongst some people there is some cynical posturing on this issue. I have to give the Treasurer credit where it is due. He has at least been thoroughly consistent on the issue of gambling over the years, as has the shadow treasurer. It has been almost touching to see the Treasurer and shadow treasurer huddling in the last couple of days. I am glad that this bill has at least brought them closer together.

So it seems that this bill will be defeated at the second reading, which is disappointing, but I think we can move forward, that this will not be the end of it. A number of members have indicated that in the new session in October these issues must be revisited. We must do something about dealing with the issue of problem gambling in the community. The damage bill climbs ever higher, day after day, week after week. It is important that we make some tangible progress on this. It is disappointing that we have not taken that first step this evening. But this issue will not go away because too many South Australians are being hurt too deeply for that to happen.

The Council divided on the second reading:

AYES (6)

Elliott, M. J.	Gilfillan, I.
Lawson, R. D.	Roberts, R. R.
Xenophon, N. (teller)	Zollo, C.

NOES (12)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Holloway, P.
Laidlaw, D. V.	Lucas, R. I. (teller)
Pickles, C. A.	Redford, A. J.
Roberts, T. G.	Schaefer, C. V.
Stefani, J. F.	Weatherill, G.

PAIR(S)

Cameron, T. G.	Crothers, T.

Majority of 6 for the noes.

Second reading thus negatived.

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

Consideration in committee of the House of Assembly's amendments.

(Continued from 11 July. Page 1588.)

Amendment No. 1:

The Hon. K.T. GRIFFIN: I move:

That the Legislative Council agree to the House of Assembly's amendment No. 1 with an amendment, as follows:

New clauses, page 5, after line 16—Insert new clauses as follows:

Amendment of s. 7—Application for compensation

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

(9aa) The court must not make an order for compensation in favour of a claimant if the court—

(a) is satisfied beyond reasonable doubt that the injury to the claimant occurred while the claimant was engaged in conduct constituting an indictable offence; and

(b) is satisfied on the balance of probabilities that the claimant's conduct contributed materially to the risk of injury to the claimant.

(9aab) Subsection (9aa) does not apply if the claimant has been acquitted of the offence.

(9aac) Despite subsection (9aa), the court may make an order for compensation in favour of a claimant if the court is of the opinion that in the circumstances of the particular claim failure to compensate would be unjust.

Amendment of s. 8—Proof and evidence

10B. Section 8 of the principal act is amended by striking out from subsection (1) 'Subject to this section' and substituting 'Subject to this Act'.

The House of Assembly made an amendment which the Legislative Council rejected in committee. That amendment related to the Criminal Injuries Compensation Act and the situation of those who might have been injured as a result of their own criminal activity or activity to which they had contributed, and made a claim for criminal injuries compensation.

A great deal of effort has today been put in in relation to the alternatives that I am now proposing and also in relation to consultation with interested parties. I want to thank my staff, who have spent a great deal of time and energy on it, and Parliamentary Counsel for their creativeness in reaching this solution. In the debate in committee I did address some of the reasons why the government cannot support the amendment, that is, cannot support the substance of the amendment inserted in the bill by the House of Assembly.

I think it is important that I recapitulate briefly those reasons before explaining in detail how the amendment that I now address differs from that amendment. First, the amendment proposed by the House of Assembly would exclude claimants who, although guilty of offences, are deserving. Examples given earlier in debate include the case of the youth who was taken hostage by an armed robber whilst on premises with the intention of marking graffiti; the case of a battered wife who is assaulted while trespassing at her husband's home with the intention of breaking in; and the case of the accountant who has been fiddling the books and is hurt in an armed robbery.

All these people would lose any right to compensation under the amendment proposed by the House of Assembly. Other examples might include the dog owner who sets his dog on a trespasser and is shot in retaliation; the 16 year old and the 17 year old who are willingly engaged in unlawful sexual intercourse in a vehicle when set upon by an armed gang; or the client who is to receive an unlawful abortion at a clinic and is injured when the clinic is bombed by an anti abortion group.

In these cases, although the claimants have all committed offences, their conduct might be considered less heinous than that of the person who has injured them. It seems harsh that they should recover no compensation. In some cases, results could be particularly unfair as between two victims in similar circumstances. For instance, imagine that the battered wife does not go alone to her estranged husband's home but takes her two sons aged 10 and 15 years. She drives to the house not telling the 10 year old of her plans but having confided in the 15 year old her criminal intentions. On arrival, she leaves the younger child in the car parked within view of the property but takes the older child with her perhaps for moral support but also to assist her should it be necessary to break in. He accompanies her, despite reservations about her purpose, out of loyalty and a wish to protect her.

Her husband emerges and assaults the wife in full view of both children, badly injuring her. Both children are distressed and suffer psychological injury. Under the amendment put forward by the House of Assembly, the younger child will recover full compensation but the older child will recover nothing. The government considers this unfair. It would be better, instead, to have the court weigh up the seriousness of his conduct and its contribution to this mental injury, having regard to all the circumstances as would happen under the present law.

Secondly, the victim's crime need not be connected with the offender's crime or the injury. As an example, if the victim, while standing in the street committing a property crime such as vandalising a phone box or trying to break into a car, is caught in crossfire between rival bikie gangs or is injured in a bomb attack on a nearby building, there is no compensation. If he had been standing there with no unlawful purpose, clearly he would have a claim (or she, if the victim is a woman). Again, if a person is marking graffiti on a bus shelter and suffers injury when a drunk driver collides with it, there is no compensation; and if he or she had been merely waiting for the bus, there would be.

In these cases it is really coincidence that the criminal injury and the victim's crime occur together. The concerns of members when this issue has been discussed seem not to have been directed to these kinds of situations. Rather, members were more concerned about paying compensation to the victim who cannot properly blame others for his injury because he engages in criminal conduct which is likely to bring such harm on himself, such as where the thief breaks into property and is shot at by the owner.

Concerns were not so much directed to coincidental harms which would have happened to the person had they been at that place at the critical time with or without a criminal purpose. I suggest that the latter should not be covered and disqualification should be restricted to the case where the victim really has himself or herself to blame.

The amendment removes the court's discretion in these cases. Under the bill as amended by the House of Assembly, there would be no discretion in the court to consider any mitigating circumstances. Under the present law, the court can take into account the conduct of the offender and its contribution, if any, to the offence or the injury. This can result in an award being refused or significantly reduced. This is often a useful mechanism for ensuring that unpredictable cases do not have unjust results.

Under the amendment, the court will have no say. As soon as it is established that the victim committed a crime against the person or against property, that is the end of the case. This might be an appropriate result in some cases, but it will not be fair in all. It is preferable to give the court some flexibility within clear constraints so as to deal with unusual or unforeseen circumstances.

The amendment also presents legal problems. While these problems are technical, it does not follow that they are unimportant. They have the potential to have real effects on victims of crime and could discourage proper prosecution of offences and proper claims for compensation. First, it does not matter that the victim was acquitted. The amendment by the House of Assembly requires the criminal injuries court to look at the question of the victim's guilt or innocence afresh, even if this has already been dealt with by a criminal court. The victim may have been prosecuted and acquitted: this does not matter. In the criminal injuries court, he or she can be tried again.

However, this time the standard of proof will be lower. Hence, a person who has been acquitted by a jury could still lose his or her compensation under this amendment. We must also remember that some offenders, when they are sued as second defendants in the compensation claim, may seek to harass the victim and make it difficult for him or her to pursue the claim. This can happen, for instance, in rape or domestic violence cases.

While the second defendant is fully entitled to test the case against him or her, it does not seem fair that he or she should be able to go behind the legal acquittal. Perhaps the opportunity to go over the whole circumstances of the offence yet again, and to quiz the victim about any possible wrongdoing on his or her part, despite the acquittal, will be a welcome addition to the armoury of such persons and a powerful disincentive to some victims from pursuing their claims.

The victim's crime does not need to be approved to the criminal standard, even though the offender's crime does. Under the House of Assembly's amendment, the civil standard of proof will apply when it comes to deciding whether the victim has committed an offence and must lose compensation. The civil standard of proof is lower than the criminal standard. The offender, however, cannot be ordered to pay the compensation to the victim unless his or her crime has been proved beyond reasonable doubt. This seems to offer more protection to the offender than to the victim.

In the government's view, the standard of proof should be the criminal standard, that is, beyond reasonable doubt. That is the standard that the victim has to meet in proving the offence against himself or herself. In that case, there would be a greater equality of position between the two parties and there would be little incentive for a vexatious second defendant to try to prove in the civil court an offence of which the victim had already been acquitted.

It is not clear whether the victim will be required to testify against himself or herself. This is not very clear from the amendment but it appears that this could happen. The amendment does not indicate who is responsible for proving any offence by the victim. It simply says that the court may not award compensation if the victim has committed one of these offences. It says nothing about how the court is to decide this. If no evidence is led on the topic, perhaps the court must ask the victim to satisfy it that he or she did not commit any offence. This seems a strange requirement where no-one claims that an offence was committed. It is also very unusual to require a person to testify against themselves in this way.

What if the court cannot be sure whether an offence was committed by the victim or not? How does it know whether it can award any compensation? This problem is not addressed by the amendment. It would be better if the section left it up to the parties to the case to present evidence and then required the court to take this into account. In that way, if the Crown or the second defendant wished to allege an offence on the part of the victim, the Crown or the second defendant could do so and it would be up to them to prove it. The victim would have no obligation to prove that he or she was not guilty of an offence.

It is possible that the victim might be putting himself or herself at risk of prosecution by bringing a claim for compensation. Again, that is not clear, but seems quite possible. What happens if by this means the court discovers an offence that no-one was earlier aware of? Must the court refer the matter to the Attorney-General for prosecution? It is an unusual thing for our system of justice, which is generally opposed to self-incrimination, to operate in this way. If that is the case, there may be difficulties in prevailing on injured victims to cooperate in the prosecution of offenders. Even a victim who feels that his or her conduct was justified, such as self-defence, may hesitate to give evidence at the trial of his or her attacker knowing that, if the court finds that he or she used excessive force or committed any disqualifying offence, the claim for compensation will be lost and that person may be liable to prosecution.

The House of Assembly amendment would remove the discretion in the case of an ex gratia payment. At present, the Attorney-General has a discretion to make a payment to a victim even where, for technical or other reasons, the victim cannot bring a successful claim at law. There are no constraints on the exercise of this discretion. The Attorney-General does what he or she thinks best. Of course, criminal conduct by the claimant could significantly influence the Attorney's decision, as could many other factors.

Under the House of Assembly amendment, the Attorney-General would not be able to make any payment if the victim committed a crime. The difficulty here is a practical one. The Attorney-General may only have before him or her the information the claimant chooses to present. However, it will be illegal for the Attorney to make a payment if the fact of the matter is that the victim committed an offence. The difficulty then is how the Attorney-General can possibly know for sure whether or not the victim did commit an offence. In most cases, he or she would only be guessing. This can hardly be satisfactory. In the government's view, the Attorney-General's discretion should be left unrestricted so that each application can be considered individually on its merits, as happens now.

Let me now turn to the House of Assembly amendment No. 1. This amendment is agreed to with amendments. The proposed amendment operates on a similar principle to that passed by the House of Assembly but with some significant differences. First, the government's amendment would make clear that the court does not need to make its own inquiries to decide whether the victim has or has not engaged in some criminal behaviour which would disqualify him or her from compensation. Instead the court will rely on whatever information is put before it by the parties. This is preferable because it is in keeping with the adversarial nature of the rest of the proceedings and also because in criminal matters it is not generally considered appropriate in our system of justice to require the victim to prove his or her innocence. Under this amendment, the victim will not need to prove anything about his or her behaviour, but the Crown or the second defendant will be able to lead in evidence of any relevant offending by the victim.

Second, the amendment would require that the victim's offence, like that of the offender, be proved beyond reasonable doubt. This is in keeping with the usual rule that crimes must be proved to this standard. This need present no difficulty where the victim has been convicted of the offence, as the certificate of conviction can be tendered to the court, as now occurs where the second defendant has been convicted. However, where the victim has not been successfully prosecuted, it will be for the Crown or the second defendant to prove the matter to the required standard.

The government amendment would also require that there be a connection between the offence by the victim and the injury sustained by him or her before disqualification is automatic. The amendment provides that the victim will only be disqualified if the court is satisfied that the criminal conduct contributed materially to the risk of injury to the claimant. This must be established on the balance of probabilities. Members will notice that the government amendment includes all indictable offences. While the scope of indictable offences is wide, the requirement to prove a connection between the victim's offending and the injury will mean that the court should be able to award compensation in the case

where the injury occurs coincidentally and not as a result of the victim's crime.

Further, this amendment will make clear that, where the victim has been prosecuted for the alleged offence and acquitted, that is the end of the matter. Neither the Crown nor the second defendant will be able to argue for a disqualification of the victim in that case. While the second defendant is perfectly entitled to test the compensation case against him or her, it is not appropriate that he or she be able to go behind a legal acquittal of the victim.

This amendment will also reserve a power to the court, even where the victim was engaged in a disqualifying crime, to order compensation if it considers that, in the particular case, deprivation of compensation would be unjust. This is to cover exceptional cases where, despite what the victim has done and despite the general rule embodied in the amendment, the court considers that in all the circumstances the denial of compensation would be unjust.

I will now address the House of Assembly amendment No. 2, which I will deal with more formally shortly. This amendment should not be accepted. There is no justification to restrict the exercise of the Attorney-General's discretion to make an ex gratia payment in this way, for the reasons that I have given earlier. No doubt if there is evidence before the Attorney-General from which he or she can properly conclude that the victim was guilty of an offence, it can be taken into account on its merits, having regard to the whole of the circumstances. In some cases, it may result in the Attorney-General declining to make a payment and in others perhaps not.

There is also a consequential amendment and that amendment will ensure that this provision does not come into operation retrospectively as is required in respect of the amendments pertaining to the GST, in respect of which the amendments came into operation on 1 July.

The Hon. P. HOLLOWAY: I indicate that the opposition will support the compromise that has been negotiated between the Attorney-General and the shadow attorney-general during the course of the day. In my view, the Attorney has produced what is a very elegantly drafted solution to the issues that were raised. In raising this matter originally, the opposition expressed the view that criminal injuries compensation should not be paid to those who, in the course of committing an offence, were injured. In his response the Attorney outlined what he saw as a number of potential problems that could arise. As I indicated in the debate at the time, I thought some of those examples that he gave were fairly extreme but, nevertheless, the solution that has been arrived at really achieves both of the objectives.

It achieves the opposition's objectives in that it does give a directive to the court that it should not make an order for compensation if the court is satisfied beyond reasonable doubt that the injury to the claimant occurred while the claimant was engaged in conduct constituting an indictable offence. At the same time, it certainly seems to me that the clause also gives the level of protection that the Attorney was looking for in cases such as those examples he gave in his earlier speech on the subject. Of course, I am referring to proposed new subsection (9aa), which provides:

> The court must not make an order for compensation in favour of a claimant if the court—
>
> (b) is satisfied on the balance of probabilities that the claimant's conduct contributed materially to the risk of injury to the claimant.

That should exclude those cases where someone might be committing an offence but a relatively minor offence that did not really relate to the actual injuries received. As I said earlier, it is a fairly elegant solution to the problem and we believe that, as a result of the negotiations that occurred today, a worthwhile change will be made to the laws of this state in relation to the payment of compensation for criminal injuries.

The Hon. IAN GILFILLAN: This is a late night media induced amendment. It is a political reaction to the potential damage that can be done by scaremongering on late night radio, and I know it is not the first time that we have had to deal with such an amendment. The act is quite competent to deal with the potential misappropriation of compensation, and in my brief contribution it is important to put in the wording which currently applies in the act. Part 2 provides:

> Claim for compensation
> Application for compensation
> 7. (1) A victim of an offence may, within three years of the day on which the offence was committed, apply to the court for an order for compensation in respect of the injury arising from the offence.

Subsection (9) provides:

> In determining an application for, and the quantum of, compensation, the court must have regard to—
> (a) any conduct on the part of victim (whether or not forming part of the circumstances immediately surrounding the offence or injury) that contributed, directly or indirectly, to the commission of the offence, or to the injury to the victim; and
> (b) such other circumstances as it considers relevant.
> (9a) The court must not make an order for compensation in favour of a claimant if it appears to the court that the claimant, without good reason—
> (a) failed to report the offence to the police within reasonable time after its commission; or
> (b) refused or failed to provide information to the police that was within the claimant's knowledge as to the offender's identity or whereabouts; or
> (c) refused or failed to give evidence in the prosecution of the offender; or
> (d) otherwise refused or failed to cooperate properly in the investigation or prosecution of the offence,
> and in consequence investigation or prosecution of the offence was not commenced or was terminated or hindered to a significant extent.

As far is as I know, there has been only one supposed abuse of this compensation provision, and it was the case that was highlighted and over dramatised by the media in the first introduction to this issue.

The seesawing in respect of the wording of the amendments resulted from a total over reaction and was done stage by stage. I would say, at least to its credit, the current amendment before the chamber is the best that has been produced to date. However, it is a very worrying trend if, when the shadow attorney-general finds a measure which will guarantee him plenty of publicity, we then have to deal with it in this parliament by way of some sort of amendment, reluctantly I might say, to safeguard and protect ourselves from what can be the jock type of media attack. Certainly, in resisting that pressure, the government can rest assured that the Democrats will stand side by side because I believe that that is the only way to retain a balance and to retain the trust and respect that the courts should properly have in this democracy.

An example of how exaggerated the original claim was is how meekly the opposition is accepting this dramatically watered down amendment. If its original plea had any real validity in a sense of legal justification, it would still be

screaming blue murder and refusing to accept the amendment. I indicate—and quite clearly I do not have the numbers—that the Democrats oppose the amendment.

The Hon. P. HOLLOWAY: I make a quick response to the nonsense we have just heard from the Hon. Ian Gilfillan. The simple fact is that, as a result of this change, the law will be better. The case that the opposition highlighted during this debate was one which, if it were to be repeated, would bring the law and the judicial system of this state into disrepute. The fact that the jocks on talk back radio have so many people calling in is because there is public concern with the principle involved in these cases. Unless you deal with the situation where people who commit crimes are themselves getting compensation, people will lose faith in the law. If the Hon. Ian Gilfillan is serious about defending the laws of this state, I suggest that he should welcome what I think has been a fairly successful attempt to correct an anomaly in the law. There may have been only one case but hopefully, after this, there will be none.

Motion carried.

Amendment No. 2:

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendment No. 2 be disagreed to.

Motion carried.

Further Amendment:

The Hon. K.T. GRIFFIN: I move:

That the Legislative Council make the following necessary consequential amendment to the bill:

Clause 2, page 4, line 9—Leave out 'Parts 5 and 10' and insert: Section 11 and Part 10

Motion carried.

The following reason for disagreement with amendment No. 2 of the House of Assembly was adopted:

Because of the inappropriate policy directions.

RECREATIONAL GREENWAYS BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1699.)

The Hon. M.J. ELLIOTT: I rise briefly to support the second reading of this bill. There has been a great deal of eagerness in the community for a long time to make recreational walking much easier, and to that extent this bill is encouraging. If there is a disappointment, it is that this bill does not get to the heart of the major problem we have with recreational greenways, or whatever you want to call them—that is, the Roads (Opening and Closing) Act. The Heysen Trail is, in part, dependent upon access across private land but a large amount of it is on road reserves which were drawn up a long time ago and which in most cases have never been used as functioning roads, although I suppose the odd horse rode along them a long time ago.

There is enormous potential in South Australia for large numbers of recreational trails throughout the state and they have a great deal of tourism potential in the longer term. We have not scratched the surface at this stage. Unfortunately, bit by bit some of those options have been closed off, because various local governments have given some of these roadways back to adjoining landowners. In some cases, they have not been given back but have been subsumed by fences going across what are still technically roads.

If the government is serious about recreational trails, it will have to go beyond legislation such as this, which, in many ways, is tokenism, and get to the very heart of the problem. When I say 'the problem', I mean in terms of the problem that is before us now. If we do not tackle it now, we will have to rely upon this bill. This bill is all about land that is already in private ownership, for the most part, and trying to get permission from owners to allow a greenway to pass through the property. However, throughout the state large areas of land are already in public ownership and the recreational greenways can run along them, as long as they are not closed off in the meantime.

A couple of years ago I intended to introduce private members' legislation in this area and at that stage there was a plea to back off because the issue was being looked at. Indeed, nothing has progressed since. My plea to the minister is that this should be seen as the first small step, but the most important step is to protect the large amount of road reserves we already have in this state to ensure that we can more easily set up recreational greenways without getting into what will obviously be very tangled negotiations with private landowners. Clearly, private landowners have a significant interest that they need to protect, and they have all sorts of problems in terms of legal obligations when people are crossing—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: That is right. I can understand the great deal of concern that private land- owners have about people trooping through their property and all the implications of that. Yet, as I said, in so many areas of the state that really is for the most part unnecessary right now because of these road reserves. We must, as a matter of urgency, have a major review of the road reserve system that exists and avoid the risk that we do not have options closed off and end up with more complicated procedures and difficulties which are still present within this legislation despite the best efforts of those who have been involved in drafting it.

With those words I support the second reading of the bill and urge the government to look at the Roads (Opening and Closing) Act and tackle a review of those publicly owned properties to ensure that we can have a system of recreational greenways which is of real value.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank honourable members for their contribution to this bill. I highlight that it is disappointing, in a sense, to hear the Hon. Mike Elliott's contribution. I know that he has promoted these sort of issues in the past. He indicated that he wanted to bring in his own private members bill. He has not done so. I think he could have been more gracious and charitable in terms of the minister's advancing this bill which is important in terms of the establishment and maintenance of trails for recreational walking, cycling, horse riding, skating and other purposes.

The Minister for Environment has championed the second generation park in the Hills face zone in the Mount Lofty Ranges. I know from Transport SA's work in that initiative a road reserve system is being considered. Overall I thank honourable members for their contribution. I think this bill is an important addition to the linear parks and other pathways that we have already in this state, including Heysen Trail and Mawson Trail. I look forward to further development in this area, and certainly planning, the arts and transport will make their contribution.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. DIANA LAIDLAW: I move:

Page 4, after line 15—Insert the following definition:
'cycling' does not include the use of a motorcycle;

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6.

The Hon. DIANA LAIDLAW: I move:

Page 7, line 10—After 'state' insert:
and in a newspaper circulating in the area in which it is proposed to establish the greenway

Amendment carried; clause as amended passed.

Clauses 7 to 10 passed.

Clause 11.

The Hon. DIANA LAIDLAW: I move:

Page 9, after line 16—Insert new subclause as follows:
(6) The following provisions apply in relation to a greenway over land that forms part of a pastoral lease but is not a public access route within the meaning of section 45 of the Pastoral Land Management and Conservation Act 1989;

(a) a person is not entitled to have access to or use the greenway without first giving the lessee oral or written notice of his or her intention to enter and use the greenway; and

(b) a person is not entitled to travel on the greenway by means of a horse (even if the purpose of the greenway is recreational horse riding) without the consent of the minister for the time being administering the Pastoral Land Management and Conservation Act 1989 or the lessee.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 36), schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. R.I. LUCAS (Treasurer): I move:

That the Council at its rising do adjourn until Tuesday 15 August 2000.

We have three messages that have to be delivered to the House of Assembly and two or three have to be returned. That is the only remaining business for the Council this evening. I was going to say that our House of Assembly colleagues are prostituting themselves, but I should not say that: they are debating prostitution at great length. We are hopeful that they will interrupt their prostitution debate to take the messages and then get them back to us so that we can all go home.

I again thank you, Mr President, for your tolerance during this session. In terms of the amount of legislation and work that this parliament has got through—both government business and private business—it has been a very busy and a very productive session. We thank you for your tolerance. Occasionally there have been minor outbreaks, I suspect on the government side and on the other benches also, Mr President. However, by and large, I hope you see the members as being generally well behaved in this chamber in terms of parliamentary decorum—and certainly I think we are a much better behaved chamber than our colleagues downstairs.

Mr President, through you, I thank Jan, Trevor and the table staff for all the work that they do for us. We are indebted to them. We sit through long hours, particularly in the last week of the session, but many of us are able to come and go. The table staff, of course, are here most of the time, and we are indebted to them for their assistance. I thank *Hansard*, the messengers and attendants, and all the other staff who assist us here in parliament in the difficult task that we all undertake.

I also thank the two whips, Caroline and George, for their whipping, and the Hon. Carolyn Pickles and the Hon. Mike Elliott for their willingness to cooperate and generally to smooth the processing of both government and private members' legislation, in this chamber. I also thank absent friends—the three Independent members of the upper house—for their cooperation in the processing of the government's program.

I am not sure what the Hon. George Weatherill will say in this adjournment motion but, because I am the lead speaker, I will have to try to prejudge it. There is some expectation that this may well be the Hon. Mr Weatherill's last parliamentary sitting day; that perhaps when we return in October there will be a different face sitting in his chair, and that he will be—

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, it may well be the Hon. Carmel Zollo, I understand. But there will be someone sitting in the Hon. Carmel Zollo's chair, I suspect, who might be a bit larger and a bit more substantive—in terms of size I mean; physical capacity, rather than anything else. If, indeed, that is the case, as Leader of the Government, and on behalf of my colleagues, I acknowledge the Hon. Mr Weatherill's contribution to this place. I am sure that it will not surprise the Hon. Mr Weatherill to learn that that erstwhile researcher, the Hon. Legh Davis, poet laureate of the Legislative Council, probably will have something significant to say in terms of some not inconsiderable research he has been doing over the past 24 hours—

The Hon. L.H. Davis: The past 24 months.

The Hon. R.I. LUCAS: The past 24 months. He has done 1 000 hours of research, and members will see the benefit of it. So, I will not be extraordinarily long. I thank the Hon. George Weatherill for his friendship. I did not know George very well at all when first I entered the Legislative Council, obviously, as Leader, and he as whip. But I think that through the social occasions—in particular, the annual cricket game that we play each year, with the press versus the parliament—members such as the Hon. Terry Roberts, the Hon. Mike Elliott and others will know that George will be sorely missed. However, he has promised that he will not be sorely missed, because he will make return appearances in terms of the magnificent job he has undertaken with respect to catering and organising social events and helping to organise the traditional event between the media and the parliament. I think many of us have, through that forum—and, indeed, others—grown to know George personally. I can recall that, in the early days, he organised a few tennis events, including one down at his own tennis club in the western suburbs—at Henley, or somewhere in that area.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: No, I think we played once at Memorial Drive after that. But the tennis has been infrequent. Again, George was at the forefront in terms of organising those events on behalf of members. So, I will certainly miss George in this Legislative Council and in the parliament, not just as a parliamentary colleague but, as I said, I have developed a personal friendship with George over recent years. I know that I speak on behalf of my colleagues when I say that we will miss his friendship and his presence in the Legislative Council. We certainly wish him the very best in terms of whatever he turns his mind and attention to in future years. I am sure that there are many other interesting things that he has shared with colleagues in which he can see himself being able to participate in future years, when he does

not have to spend all the time that we do here until the early hours of the morning, passing and considering legislation.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: I see. The Hon. Terry Roberts is doing a bit of advertising. There certainly has been a tradition in terms of cross-factionalism, if I can put it that way—that is, some government to opposition appointments. I am sure that that will be borne in mind in terms of future reference. I thank George for his contribution to the parliament, to his own parliamentary party and to the community. There were a few things that George spoke about with passion—and I think in the last two weeks of the parliament he asked a question in the area of workers' rights in terms of people's entitlements. With his strong tradition of working for the union, and for the workers represented by the unions, it does not surprise me that they are the sorts of issues that fired George up in the parliament—a WorkCover debate or an industrial relations debate. There was no doubt that they were the sorts of issues that fired George up, and other members within the parliamentary Labor Party. We wish you well in whatever is coming ahead, George, and we hope that, whatever challenges you take up, you have a long and healthy retirement.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I second the motion. I concur with the Leader in my thanks to *Hansard*, and to you, sir, for your tolerance of a sometimes unruly chamber—although I must say that my observations of the other place tonight indicate that this is a far more civilised place in which to work: we are far more productive. Thanks also to Jan, Trevor and the other staff. I think that we have excellent staff in the Legislative Council who work with a minimum amount of fuss and a maximum amount of effort. I also thank the government for, I think, some tolerance with respect to some of the difficult issues that we have had to deal with, particularly in the past few days—and I look forward to continuing what we have begun in terms of looking at the sitting hours of parliament. I find it very stressful to deal with difficult legislation after 10.30 at night, when we have been on our feet since about 8 in the morning, having had little sleep the night before, and the night before that.

Members interjecting:

The Hon. CAROLYN PICKLES: Yes—obviously, if one becomes an Independent, one can have more sleep. However, we have come to recognise that we have these late sittings towards the end of these sessions, but I must say that, having dealt with some very difficult issues, one would hope that we might put them a bit further up on the agenda and not have to deal with them when we are all so tired. They are dealing with prostitution in the other place. They will probably be dealing with that for the next couple of days, the way they are going at the moment.

Our colleague from the Labor Party the Hon. George Weatherill will be retiring from this place before we return. I have already said nice things about you today, George, but I guess you would like to hear it all over again. George is one of those very old, in the Labor tradition, trade union members who come very much from a working class background in Great Britain. He emigrated to Australia and became a member of parliament. I, too, was a migrant from England and became a member of parliament, but I came from a different part of the country. George replaced Frank Blevins in a casual vacancy when Frank moved to the lower house to serve the seat of Whyalla, but they both came from the northern part of Great Britain, and with that sort of strange northern sense of humour, which I think you can really only quite understand if you come from that part of the country.

But George has always stood up for the people in the working class, people in the trade union movement. It has been dear to his heart all the time. I think the Leader of the Government in the Council has touched on his ability in relation to cuisine, in organising functions for the parliament, and also the Labor Party has a tradition of having a staff party, and I said today in something that we had earlier for the Parliamentary Labor Party that we were looking for a replacement for George to do the barbecue, but there is nobody quite like him. He has nominated Pat Conlon, but we have not actually heard from him whether he is willing to fill George's shoes. However, we have announced today a reshuffle and we think that the reshuffle in all of this should include Pat taking George's place in that area.

It is always sad to see comrades move on, but I am quite sure that we will see George again within the four walls of the parliament. There is a little group of people who are the retired members who come in from time to time, but we hope that we can pull you in, George, on more occasions than that. George has often talked to me about his family background. He came from a very large family. He has often spoken of his admiration for his mother, saying what a wonderful woman she was, how she brought up all these kids, and I think that George has followed in those footsteps. In fact, we will be seeing another Weatherill in this place before long. His son Jay will be entering parliament at the next election. Very different people, George and his son, but I think it is carrying on a fine tradition of the Weatherill family in supporting the working person. Although I do not like these kinds of family things, I think that in this particular case it will be great to see Jay entering parliament.

On behalf of my colleagues I would like to thank George for his years of service as a whip. We would also like to thank him for his sense of humour and for his tolerance of our scratchy behaviour at times. Having been the whip, it is not always easy. As the Hon. Caroline Schaefer will know, it is not always easy to tolerate the frontbench, who may want to go home, and so on, but George has always been very well behaved in that direction. I am quite sure that the Hon. Carmel Zollo, who has been elected by the Labor Party to fill his position, will carry on that fine tradition of cooperation and good humour that we have always come to expect from whips in this place, and a level of tolerance and understanding, always recognising that at all times we reflect the balance at the election.

I think some of my colleagues would also like to add their views about George. At this point I would like to once again express my thanks to all the people in this place, to Hansard, to all the parliamentary staff, and to you, Sir, for your tolerance, and managing to stay awake at this late stage of the evening, and to government members, and I refer particularly to my dealings with the Hon. Diana Laidlaw and her staff, who at all times are very willing to offer briefings in order to facilitate getting the legislation through, and I also refer to my dealings with the Hon. Trevor Griffin. I shadow Michael Atkinson in this place in relation to the Attorney-General's legislation. It is not always easy legislation, and I think it is something that we can attribute to this Council that we try to get the legislation through. We cannot always agree, but I think we do at all times attempt to behave in a reasonable manner.

I do hope that we can get to bed before the other place deals with the prostitution legislation. But on behalf of my colleagues, I would like to wish you well for the future, George, and hope that you do not give your wife Joy too much hardship in your retirement, and we expect to see you in this place on many occasions.

The Hon. M.J. ELLIOTT: I rise on behalf of the Democrats to support this motion. First, I begin by thanking you, Mr President, for your forbearance. I thank the Clerks in this place, the Messengers, Hansard, and other staff, all of whom, despite the circus that goes on around them, continue to do their job and do it diligently and well.

It seems to be something of a tradition to be very polite in these speeches. I would like to observe that a democracy is more than just the rules. There are other things which make up a democracy, and I am just a bit worried about some trends that appear to be creeping in at this stage. That is probably sufficiently cryptic. People would clearly know what I mean.

But if I might thank the Hon. George Weatherill. There is a man who has not made a lot of speeches in this place but if there is somebody who is absolutely as straight as a die then it is George. George is a true believer, and I do not just mean in the Keating sense of the word. It is good to have somebody who you know believes in something and stands by those beliefs absolutely solidly. It is a great pity there isn't more of that. George, you have I think been a friend to all people, regardless of faction, regardless of party. I can remember the days when there used to be cross-party and cross-factional games of snooker. Those sorts of things seem to have long ago disappeared, but I am sure through no fault of yours, George. I am sure if the game was on you would still be there—but just being a true person, true to yourself in every way and true to others. You will be sadly missed from this chamber, but I am sure not from this building, and I look forward to seeing you around the place real soon.

The Hon. P. HOLLOWAY: I would like to say something on the last parliamentary sitting night for our friend and colleague George Weatherill. George has 1½ months still to serve as a member of the Legislative Council, and I am sure that we will still see plenty of him over that time. But it is important that we put a few things on the record.

George has been the whip in this place for as long as I have been here. I have had experience with whips in the other house, where I was once a member. George has set a great example of always dealing with issues with good humour and with a minimum of fuss. I am not sure that that is true of another whip I can think of, but the less said about that the better.

George has dealt with many issues in the Council. He has been a member of the Joint Parliamentary Service Committee—an important committee in this parliament which ensures that all the services of the parliament are run correctly. I know that he has had considerable input to that. I am sure that George will become a member of the retired members; I suspect he will be shop steward there before very long and that he will look after our needs when we retire.

We look forward to seeing him around the place over the next few months, and beyond that in his retirement. I am pleased to see that the Weatherill name will continue in the parliament in the future. I think all of us have been the better for having known George in his time in this parliament.

The Hon. CARMEL ZOLLO: I would like to join my colleagues in wishing the Hon. George Weatherill a very long and happy retirement, full of good health, great happiness and good fortune. I thank him for his assistance since I have been in this place. I have always found in my dealings with him that he is a very honest and caring person. We share the same wicked sense of humour. I note his talent in impersonations: he has become quite famous for them. I need to thank him for introducing me to bowls.

Like everyone else, I hope that George will not be a stranger to parliament. I think Botany Bay is losing all its inhabitants and we may be in danger of smelling some fresh air down there. I think it was you, Mr President, who once commented to me that in terms of what we believe in we all are a little bit of everything.

We on this side of the chamber have the honour and privilege of being preselected on the Labor Party ticket because we hold very dear two basic tenets of the ALP: assisting those in society less privileged than ourselves; and looking after the interests of the working people of the state. In those areas the Hon. George Weatherill has never been found wanting—first, in his work in the union movement, and since being in this place. I again wish him and his wife a very long and happy retirement.

The Hon. R.R. ROBERTS: I reiterate everything that has been said about the running of the parliament and the thanks that has been given to the support people of this parliament as well as to the members. I particularly wish to say a few brief words about George. I met him when I arrived in parliament. We were on the back bench and were known as the incorrigibles. It was a bit different in government: there was a strict whipping system in the party and we were told that we were not to speak because the legislation had to be dealt with. George, the Hon. Terry Roberts and I used to be on the back bench, and our main pursuits were interjecting and having fun.

George has a wicked sense of humour and an infectious laugh, which has got me into trouble on a number of occasions. I can remember during a contribution a couple of years ago we were having a bit of fun with Mr Steve Condous and his exploits concerning poisoning ducks on the River Torrens. I decided that I would give Steve a bit of a touch up on that.

Having told the story on about 10 occasions, I thought this was going to be easy; but George had heard the story himself and went into fits of laughter. I remember, Mr President, you rolling around the floor, and for the first time in my political life I was speechless. I will make sure that that does not happen again, although others might have a different view.

George and I have served on a lot of committees. He is a wiley old bird. When I first came here, John Bannon was very keen to get rid of the billiard tables. George, being an avid billiard player, was adamant that that would not happen so he immediately organised a snooker tournament—and the first person he invited was John Bannon. That was the end of the story about getting rid of the billiard tables. He managed to do that on three occasions, but John Bannon done us in the end by resigning, and other people have reduced one of George's favourite pastimes.

George and I have served on a few select committees and have been away on trips. We had a lot of fun and a lot of laughs. He and I share a passion for the trade union movement. On many occasions when I was handling bills on WorkCover and occupational health and safety it involved the trade unions giving advice. George was always there: he was

the mainstay of the organisation, getting people here and about and making sure they had cups of coffee or other beverages. George's commitment to the trade union movement has been commented on before and can only be commended.

When I was Deputy Leader people often used to ask, 'Where's the whip?' Most people would collapse into laughter, because George is one of those scarlet pimpernel type persons who turn up hither, thither and yon, but not whenever they are required in a hurry. The bells were installed at Botany Bay and to some extent that problem was eliminated.

George will not be gone forever. He has too many friends here in Parliament House. He enjoys the company of people. He can smell a party from a mile away. I am certain that he will frequent this place for as long as the beer prices remain relatively low. I expect to see him as the leader of the old buffer's club in the near future. He may not be the barbecue chef at the cricket game, but I am sure that when the old buffers meet George will be chief cook and bottle washer. I wish you all the best, comrade. We will see you when next we meet, and when you officially retire I hope that you will be around to share a joke, a laugh and a drink.

The Hon. L.H. DAVIS: I join with other Legislative Councillors in wishing the Hon. George Weatherill a happy retirement after 14½ years' service in the Legislative Council. I took some time to research the career of the Hon. George Weatherill, and it makes fascinating reading. His very first question in the Legislative Council was asked on 25 February 1986. He sought leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about the police—remembering, of course, the Labor government was in power. The question was as follows:

> On Saturday 22 February 1986 an industrial dispute occurred at the Victoria Park Racecourse relating to the conditions of employment for racecourse groundpersons. Specifically, the dispute revolved around a claim by racecourse groundspeople for a disability payment. At 7 a.m. a picket line was established which was supported and maintained by various unions. In the course of the dispute a number of unions officials, employees and members were detained by the police and taken to Angas Street, and subsequently released. Will the minister report to the Council in relation to the circumstances of the industrial dispute, the detention by the police of persons involved in the dispute and the procedure adopted by the police in the course of such industrial disputes?

The Hon. C.J. Sumner, probably not very gruntled, replied:

> I will obtain a report for the honourable member and bring back a reply.

As far as I can see, the Hon. George Weatherill never did receive a reply to that question, and I suggest that was because he adopted Sir Thomas Playford's imperative that you never ask a question without knowing what the answer is. The answer became clear to the members of the Liberal Party, who I remember were slightly mystified by the question at the time, when there was a very large article in the *Advertiser* some two weeks later in early March, with a heading, 'Pickets arrested at races freed after phone call'. The article carried a photo of the union officials, with the caption:

> Mr Paul Dunstan, left, and Mr Terry Cameron, compare their police charge sheets which they are keeping to show they were arrested.

Indeed, the article continued:

> A spokesman for Dr Hopgood [who was the minister] said yesterday it was unlikely that Mr Weatherill's questions relating to police action during industrial disputes could be answered in the current session, which ends tomorrow. . . the report would be posted to Mr Weatherill later.

That was an interesting internal matter which bubbled up into the public arena. The union officials who were arrested included AWU organisers Les Birch and Terry Cameron, AWU executive member and director of the Australian Bicentennial Authority, Mr John Thomas, and two AWU members, Mr Peter Reynolds and Mr Jim Hughes. They were all heavy hitters, and they said that the questions had not been answered despite several assurances from Dr Hopgood's office that they would be. In the early days, the Hon. George Weatherill was a pretty feisty character.

He was a convenor of the Progressive Unions and Sub-branches (the Left). He was right up with the Bannon government's move to cash in on the US Star Wars program and he was quoted in the *News* in 1986 as saying that the left was still formulating a policy on Star Wars. One can imagine George in the Blue Room, which did not exist in those days, over a glass of the amber liquid thinking about what the Star Wars policy for the progressive unions would be.

The other thing that is not often appreciated about the Hon. George Weatherill by the women in the party was that he was very progressive in his support for women. He backed Ms Deidre Tedmanson for the position of state organiser. It was the first time a woman had been backed into the position of organiser for the ALP. Let me quote directly from the *Advertiser* of 5 June 1986, as follows:

> Mr Weatherill said it was high time the party had a woman organiser, which would be another first for ALP women in SA.

This is the typically considered response that we have come to know and love from the Hon. George Weatherill. I quote directly from the *Advertiser*:

> Mr Weatherill said the progressives were adopting a balanced stance with support from Mr Heron and Mr Schacht in the Senate and providing the party with capable and skilled leadership for the future.

These were the glory years when he was very active and very prominent in the left wing. In March 1988, the following was reported:

> The leader of Labor's left wing, Mr George Weatherill, has called for an end to the party's bitter three-year faction feud. . . [he] criticised 'the hotheads' in both the major centre and left factions for the brawling that broke out. 'It's time the hotheads were told to shut up.'

That is very intemperate language, but that was the feisty Hon. George Weatherill and that is what made him such a fearless leader of the left in the 1980s.

Then there is a big jump in terms of cuttings, clippings and things of interest, and it is not until 1995 that I see something of interest in the *Advertiser*, where Ms Laidlaw was replying to Labor MLC George Weatherill who was talking about tourist signs. Mr Weatherill made the comment:

> I have lived here [South Australia] quite a number of years and know my way around without looking for road signs.

The *Advertiser* actually published that very interesting comment, would you believe.

Members interjecting:

The Hon. L.H. DAVIS: It was written by Julie Gregory, who now works for Premier John Olsen. It just shows how things change. As has been mentioned, George was the social life of the party. The Hon. Ron Roberts said he could smell a party from a mile away, but I do not think he ever was a mile away because he always started the parties. There was another first in the Legislative Council when the Hon. Mr

Weatherill invited Bridie to come into the gallery and he sought leave to make a brief explanation before asking the President, the Hon. Jamie Irwin, a question about Bridie's retirement. Members will remember that that was in November 1999. The *Hansard* reports the Hon. Mr Weatherill quite delightfully, as follows:

> I have not been coerced into asking this question, although, looking in the gallery at the present time I am sure there cannot be any truth in the rumour going around today that I would never get service again if I did not ask this question.

Then the *Hansard* reports:

> *There being a disturbance in the gallery:*

to which the President said:

> Order! I think the gallery should be quiet.

George went on to relate some delightful stories about Bridie and said that she made a very mean toasted sandwich. That was very much George's form. He was one of the original settlers in Botany Bay. He was one of those people who was very active in promoting the social life in the parliament. For example, he organised a tennis match down at Henley between the media and the politicians, and he had me in the left wing of the court and Anne Levy on the right wing.

In summary, it is interesting to note that, in his 14½ years here he asked 124 questions, he made 33 speeches and members will be interested to know that he presented just one petition on prostitution. We have a genuine fondness for the Hon. George Weatherill. However, the way in which he retired left me bemused. In August 1999 the *Advertiser* reported as follows:

> One of the state's most powerful union leaders has called on the ALP to dump four MPs if they do not retire before the next election. . . Mr Sneath, who is state secretary of the 12 500 strong AWU, and the party's state vice-president, said the four MPs should retire gracefully. He named the four as Murray De Laine, Carolyn Pickles, George Weatherill and Ralph Clarke.

But lo and behold, it is Bob Sneath who will come into this chamber in place of George Weatherill. That rather bemused many people but George, being a person who has been first and foremost a Labor man, is retiring with the great satisfaction that his son, Jay Weatherill, will enter the lower house, which in political terms is almost a unique event. We have seen it on our side of politics with the Hon. John Dawkins, the Hon. Diana Laidlaw and the Hon. Caroline Schaefer, but in Labor terms there is some history there, and George must be very proud that his son is following in his footsteps, and that is a nice way of making his exit from politics. As the Hon. Ron Roberts said, I am sure that we will all see George around. We have a genuine fondness and affection for him on this side of the Council and we wish him well in his retirement.

The Hon. CAROLINE SCHAEFER: As the other whip in this chamber, I extend my good wishes to George and his wife Joy in his retirement. As everyone has already said, he may be retired from this chamber, but he has been telling me some of his plans for his retirement, and I expect to see him in parliament stirring up all sorts of trouble in the not too distant future.

I became whip in 1997 and George has been very helpful to me. There have been times when we have found ourselves allied against the rest of the members of this chamber on both sides and we have usually managed to win without their even knowing that that was the case. He has been, as I said, extraordinarily cooperative. People say that George is elusive and difficult to find, but at certain times of the day—and, as a former whip, Mr President, you would know—you can find him in Botany Bay very easily and he always has his mobile phone. As I say, he has always been very helpful with pairs. I think there has been only one occasion on which we have argued whether or not someone should be granted a pair—and I am not sure who won that argument. I wish George all the best in his retirement and I look forward to now working with Carmel.

The Hon. T.G. ROBERTS: I am sad to see George leaving the chamber. He came in just a few months after I arrived in the Legislative Council. George had been an organiser with the Miscellaneous Workers Union and inside the Labor Party at an executive level. Probably his greatest success throughout the time I have known him was through organising the Great Party of Life, and I think that is where he has touched most of us the most. All the stories relating to George get back to his gregarious personality and his ability to make people laugh on dull, cold, rainy days. He always had a joke to tell, but on some occasions you would get the point and understand the joke before he reached the punchline: nine times out of 10 George would lose it just before the punchline was about to drop and you would have to interpret the punchline through tears of laughter. In most cases, he described it well enough to enable you to do that.

The greatest challenge that he took on—and I am sure he will tell us whether or not he succeeded—was the great reform of the JPSC and the impact that the JPSC would have on our lives as members of parliament to assist us to get through the days and the nights in both houses. It was a constant struggle to try to at least draw lines in the sand to ensure that the facilities we had were those we could expect as minimum services for people who had to virtually live in the building from time to time to do our job. He had a few wins and he had a lot of losses. He would advertise his losses widely, trying to agitate for others to take up the cause, but, in most cases, the numbers were always weighted against him, or someone had let him down.

My first test of George's sense of humour was as follows. While I was at sea I sailed with a lot of people from the Tyne, and Geordies were generally recognised as coming from east of Durham down to Tynemouth: it was Newcastle, Walker, Walls End, North Shields, South Shields and Tynemouth. Durham was never recognised. I could never work it out, because it was as close to the Tyne as you could get, but people from there were never recognised as Geordies. If you spoke to someone on the ship who had come from Durham, there was always a joke about the hanging of the monkey. I asked George about the history of the hanging of the monkey (which I already knew) and he burst out laughing. Now, no other person whom I met at sea from Durham, if you mentioned that story, would burst out laughing: they would smack you in the mouth. That is just the way in which people—

An honourable member interjecting:

The Hon. T.G. ROBERTS: The story—and it is a clean one—is that during one of the 100 years wars between the French and the English—and I am not quite sure which one it was—

The Hon. G. Weatherill: The 12th century.

The Hon. T.G. ROBERTS: There was a punch up in the North Sea between a French galleon and an English galleon. They filled each other with cannonballs. The French ship sunk, the English ship limped into port, and within 24 hours a body was washed ashore.

The Hon. G. Weatherill interjecting:

The Hon. T.G. ROBERTS: No, the story I was told was that a body was washed ashore off Durham; and two of the curious Durhamsiders went to retrieve the body. They found that it was fairly hairy and it was small, so, yes, it was probably French. It had no identifying marks on it: it was not dressed. They poked it with a stick and it did not reply. During the examination the body started to move and to look as if it was going to do something nasty, so they bound it with rope and tied a noose around the neck—

The Hon. G. Weatherill interjecting:

The Hon. T.G. ROBERTS: The story I was told did not involve a court case, or a sentence. It was dragged into the people's court, in to the square—that was the story I was told. The people's justice—because it would not answer questions on interrogation, it would not reply—was to build a gallows. They hanged it. After they cut the body loose and they were preparing it for burial, a doctor arrived at the scene and declared that it was not a Frenchman at all but a monkey. It is history and folklore in the United Kingdom that, if you come from Durham, you came from where the monkey was hanged. George was the only Durham/Geordie who laughed at that story: I thought he must not be a bad sort of bloke. He finished off three-quarters of the story in a different way with tears in his eyes.

He has been able to maintain that sort of effect on people, even though from time to time he has had problems with his own health and the health of his family—Joy not being as well as she might have been.George was still able to maintain his sense of humour and to carry on. I think he gave more support and help to people in this chamber than he got back in return, but he never demanded anything from anyone and anything he received I think he thought was a bit of a bonus. What he did do when he went down into the bowels of the Blue Room—Botany Bay—was to fill up a lot of other people's lives with laughter, and I think he will be missed for that. Again, I do not think he will leave: he is not the sort of person who will cut his ties and his losses and wave goodbye to us all. I suspect that George, a bit unlike the monkey that was cut down and buried, will be around for a while: he will keep visiting us and haunting us and, hopefully, filling our life with a bit of happiness as long as we fill him with the happiness that he deserves while he is here.

The Hon. J.S.L. DAWKINS: I met the Hon. George Weatherill only when I came to this place 2¾ years ago, I suppose, but I knew of him because I was well aware of his activities in the parliamentary bowls club. Of course, my late father and my mother used to thoroughly enjoy those activities. I knew that George had accompanied them on a number of annual bowls trips, and I have heard, not only from George but also from my parents, stories of a trip to Perth on a train and singing songs around a piano. Those members who knew my father know that he loved to sing and drown out everybody else. George, I know, enjoyed that very much. My mother sends her best wishes to you, George. They enjoyed your company very much.

I would like to add my thanks for the work you have done since I have been in this place and for the annual cricket match, because I have enjoyed that enormously. I particularly enjoyed, a few months after coming here, seeing the Treasurer and his opposite number, Mr Foley, from the other place, in a partnership at the centre wicket. I think that is heartening, despite the fact that we might be on opposite sides—

The Hon. L.H. Davis: They were trying to run each other out!

The Hon. J.S.L. DAWKINS: They had quite a good partnership, actually. Nonetheless, we can enjoy each other's company. Only today the Hon. George Weatherill said to me that he is a great believer in leaving things inside this chamber. I agree with that. I wish George and his family all the best for the future.

The Hon. A.J. REDFORD: At the outset I say that observers of parliament fail on many occasions to understand the relationships that can develop across parties. Indeed, George Weatherill is a true personal friend of mine, notwithstanding the fact that we have different political ideologies. George was one of the first Labor members of parliament I met when I was elected to parliament in 1993. In fact, when I came into the parliament—and this was before the opening of parliament—he went out of his way to explain some of the traditions of this place and some of the tricks of the trade—where you got the best service; which staff to avoid; which staff to seek out for the best service; and who might perhaps take a little longer to provide that service. All the advice that he gave was absolutely correct.

I will not steal his thunder unless he wants me to, but I well remember the great pride with which he spoke at how he managed to become elected to this parliament. I know at the time that he had been given certain undertakings by certain political leaders in his party. George told me that those undertakings were, at one stage, not going to be honoured. As members know, George does not like to see undertakings not honoured. Rather than dwell upon the fact that the undertaking was not going to be honoured, he went out and got the numbers and, much to the annoyance, I suspect, of the then leadership of the ALP, he was elected to this place.

Many of us have spoken about the cricket. I am sure George will be sadly missed in that activity. One thing I think should go on record is that George, on every occasion, used to speak about his love for his wife Joy. I know that she has had some very difficult health problems over the years, and George has been a loyal, strong and loving husband and in that regard is a role model to us all. He often used to speak of his children, and there were many occasions when they came into Parliament House, and I had the privilege to meet them all. All of the children are different, but George loves them equally.

George used to talk to me a lot about his son Jay. I know Jay: he is a lawyer like myself. If you want to get on the wrong side of George, the quickest and easiest way to do it is to speak other than in glowing terms of his children and, in particular, Jay. He often used to tell me stories about Jay and how he, like myself at one stage, started his own legal practice. George used to go and help him. No greater love can a father have for his child than to assist in an undertaking such as the establishment of a small business, as Jay did.

George also loved his union—and he wore it on his sleeve. In my career I have talked about unions and I have met union representatives, but George did not just talk about it: he lived it and felt it. When you spoke to George about the union movement, you knew that there was a depth of love and sincerity that words cannot express. The same also applied in so far as his party was concerned. He always put the party before himself, before his own ego and before what he might want personally.

He was passionate about the JPSC (Joint Parliamentary Service Committee) which administers this parliament. On occasions when I went to JPSC, his single focus was to

ensure that the staff and the people here were looked after and looked after fairly. George could smell injustice from a thousand miles away. If he felt that any of the staff were not being treated fairly or in a manner in which he believed they should have been treated, he became, rather than just lovable George with a joke and a smile, truly passionate; and woe betide anyone who unfairly crossed any of the staff here. He certainly hated injustice.

George's other social activities were also legendary. He was always first to the *Hansard* party, except for a period of time when the member for MacKillop, Dale Baker, was here. It used to be neck and neck between George and Dale as to who would get there first.

An honourable member interjecting:

The Hon. A.J. REDFORD: Despite Dale Baker's reputation, George was invariably last to leave and he ensured that all the staff got away safely, comfortably and well—despite the innuendo of my leader's interjection.

He also brought Botany Bay to life. I had the pleasure of watching you, sir, when you were whip in the past parliament, deal with George, and it was a good relationship. You both smoked: you would go down there for your early discussion. You would have a cigarette and off you would go and consult with all of us as to who was going to speak when, on what and how; then back you would go for your smoke.

With the greatest respect to you, sir, if I wanted to know what time we were going to finish, I never got a really definitive or firm answer. However, with George it was entirely different. With George you could get a prediction as to what time parliament would finish. And woe betide anybody who might interfere with or upset that prediction. I have to say there were occasions—and I will not regale this place at length about it—when some people were pulled into line very harshly and strictly if it interfered with George's predicted finishing time. In that respect, I thank him. I think he has probably kept—perhaps with my exception—some families together, because we could ring our partners or spouses with some degree of confidence as to when we were going to finish.

George, I value your friendship. You are a close friend to me and I wish you all the best in your retirement. You know that I, personally, have been through some difficult times and some good times since being a member of this parliament and in a personal sense you have always been there, not just as a parliamentary colleague but as a true friend. Every now and then—not very often, because I am not a great advice taker—you have given me a bit of advice and that has always been greatly appreciated. I know the advice has been given simply, openly and on the basis of friendship. I have also valued your advice on more important issues such as travel, wages and conditions, and superannuation entitlements. I know that, with the possible exception of Senator John Quirk, you really did know your way around some of those issues.

I wish you all the best in your retirement, George. I doubt that you will be around as often as some of the speakers have said. Everyone I have met who retires seems to be busier than when they were not in retirement. You have commitments to your family and to Joy. I hope that her health improves and that you enjoy a long and successful retirement. If you do come back, and Botany Bay disappears, you will always know where to come. Perhaps we might share a cigarette and regale each other about old times. I will tell you how proud I am of my children, how they are going, and how successful they are. I will be able to see how Jay is going but, hopefully, I will hear from you as to how your other children are going.

I hope that, if Jay is elected (I do not like to presume these things), I can provide the same sort of friendship and warmth to him that you have shown to me and my family and my broader family, because I know dad asks after you. Thank you, George.

The PRESIDENT: I want to thank my honourable friends and colleagues in this place for their remarks directed to the chair. It is a pleasure to be the umpire, so to speak, and to try to help you to uphold the traditions of this place. I also thank you for the kind words directed to the staff. I marvel at the meticulous chain of concentrated work that goes backwards and forwards, out and down to Margaret, over to the other place, finishing up with the Speaker and I taking the work that you have done, overseen by the staff, across to see the Governor. It is something that the Governor is proud of as well. This is the only parliament in Australia which has a tradition of the presiding officers taking the bills to Government House. I walk them over and the Speaker goes over by car—

Members interjecting:

The PRESIDENT: He comes from Glenelg, don't forget. The point I make is that some parliaments put the bills into a taxi and send them off to the Governor: we do not do that here. I also thank the messengers—Graham and Ron who work in here, and Shaun and Todd who work outside. I thank them for their diligence and service to us as members. I also thank Hansard, the Library, catering and Parliamentary Counsel. They are here all the time when we are in session, bobbing around the parliamentary area but we rarely thank them for their work, and it is pretty good work that we see when we are in session every time a bill comes through.

I now turn my attention to my honourable friend George Weatherill. Not many people leave this place when there is time for a eulogy for a departing colleague. I remember when my predecessor, the Hon. Peter Dunn, left here without anyone saying anything about his term. Usually an election is called and everyone disappears and is forgotten and we do not have a chance to have a long discussion before they leave. George and I came here in slightly different ways. I arrived here in December 1985, and George replaced the Hon. Frank Blevins in 1986, so we landed in here at about the same time.

As members well know, we both share that bad habit, and we share the outer office in Botany Bay, which has been a pleasure over the years. We then had four years together as whips. I look back with pride over that four year term, because we had a very happy relationship. George's word was his bond, and is his bond. He and I have never had a problem at all: with a wink and a nod and a shake, what we said would take place did take place, and George always stuck to his part of that bond. Through that contact and that friendship I came to know his wife, Joy, who is a delightful lady. I met Jay a few times, but I probably saw more of Dana—in fact, we probably talked more to each other about our families than we might have talked to our families. George has told me some secrets that no-one else knows.

There has been mention of George's service to the JPSC. Interestingly, he took over at a time when two of our colleagues on the JPSC retired—the Hon. Trevor Crothers and Peter Lewis. It was a great relief when they retired: members can imagine what the meetings were like with those two there. There was an awful lot of talking, and an awful lot of good advice came from each side, but one was not listening to the other. It was very difficult to get things through. However, when George and Murray De Laine came

aboard, JPSC took on a new hue, if you like, and George's contribution to the deliberations of JPSC were very good.

In my position as Presiding Officer, I have had to oversee the allocation of office space in this place. That is a fairly hefty job, I suppose, straight after an election, but once it has settled down one would hope that that is it for four years. George has moved his office three or four times—I have not counted; he may be able to count it up. He once occupied that marvellous corner office where the Hon. Ian Gilfillan is, but he vacated that office to help me out when I was trying to find space, and then there were another couple of office changes.

George, your contribution to the cricket matches has been recognised. You and I have helped in that regard, and we have our set ways of doing it. So, the Hon. Carmel Zollo, I look forward to your contribution when we organise the cricket. I hope that you can play—and I hope that you can cook; I helped George cook. We have enjoyed that. I have achieved one game on the Adelaide Oval number one ground but we hope that this year, with the millennium match coming up, we ought to be able to get number one cricket ground. So, I hope that you are around for that, George. We know of your interest in bowls and we know that you have some interest in fishing. I cannot ask Graham to comment, but I think that Graham and George have probably done some fishing together. So, no doubt, there are tales about the size of the fish that they both catch.

George, my wife Bin joins me in thanking you for your friendship, and we look forward to having a lot of contact with you when you leave this place. I will not be here if your son Jay becomes a member of the other place: we will have to see how that pans out at the election.

The Hon. G. WEATHERILL: Mr President, thank you very much. I would like to thank all members for what they have said about me tonight. Because I am such a softie, I have changed my mind; I am not going to leave.

I will start by thanking Jan Davis and Trevor, Noelene and Chris for the support that they have given me over the years—and, believe me, they have been very supportive over the years. I also would like to thank *Hansard*, because when I read *Hansard* (now and again when I read it), and I read some of the speeches that I have made, I think to myself, 'Gee, that is pretty good. Thank God they have some good editors up there.' I also would like to thank the catering staff, who do a magnificent job in this place. I would like to thank the librarians; they have been very supportive over the years.

Not many people enjoy coming to work, and this is one place where you can enjoy coming to work. I have found that in this place; there are not too many people about whom you can say—

An honourable member interjecting:

The Hon. G. WEATHERILL: They really are great people who work here. We are very fortunate. I think that this is one of the best parliaments of all the ones that I have visited; this parliament is a great place to be. The people are great, and they have been very supportive over the years I am told that there is to be a function held here (it is one of these secrets) on 25 August, which will be organised by the catering staff. I am really looking forward to that, because I enjoy the company of all the people in this place.years.

Mr President, I have been very fortunate since 1993. As you said, you were the whip, and we got on exceptionally well together. Caroline Schaefer has been the whip for nearly three years, and I have really appreciated the support of both of you over that time. Thank you very much.

I think one thing that you must remember when you enter parliament is that, whatever happens here, you never take out there; it stays in here. I think that is why you gain friendships in this place. I have made great friends on all sides of politics in this place, and I truly appreciate that. I know that everyone here is nearly falling asleep, thinking, 'When is he going to stop?' But I have really enjoyed my time here. I will miss the place; there is no doubt about that. However, judging by the amount of work and the number of jobs that 'the Governor' (as I always call my wife) has lined up for me, I will have to live for the next 30 years to finish them all. I am quite convinced of that. I would like to thank everyone for their contribution tonight. I really appreciate members' support, and I will miss the place.

Honourable members: Hear, hear!

The Hon. R.I. LUCAS (Treasurer): It is my sad duty to inform friends and colleagues that we will not receive the messages back until our lower house colleagues have done whatever it is they are doing to the prostitution bill. I suggest that we suspend the Council until the ringing of the bells. I suggest that we ask the whips to hold onto Mr Xenophon and one Democrat and four government and four opposition members; I think we need 10 members for a quorum. Can we have an understanding that no-one will to do anything silly? I do not think there is anything silly we can do. We need to have a quorum here to reconvene after the ringing of the bells, then we can receive the message and all go home. So, if the two whips would not mind working it out: we need four members on both sides and the rest can go home and have a sleep.

The Hon. G. WEATHERILL: I wish to say one thing before we leave. Tomorrow John Dawkins' wife will carry the Olympic torch, and I wish John and his wife all the very best.

Motion carried.

[Sitting suspended from 1.40 to 2.45 p.m.]

FOREST PROPERTY BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

SOUTH AUSTRALIAN FORESTRY CORPORATION BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

PROSTITUTION (REGULATION) BILL

Received from the House of Assembly and read a first time.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

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

The House of Assembly agreed to the amendment made by the Legislative Council to amendment No. 1 of the House of Assembly, did not insist on its amendment No. 2 to which the Legislative Council had disagreed, and agreed to the consequential amendment made by the Legislative Council without amendment.

RECREATIONAL GREENWAYS BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

ADJOURNMENT

At 2.48 a.m. the Council adjourned until Tuesday 15 August at 2.15 p.m.