HOUSE OF ASSEMBLY

Tuesday 31 March 1992

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Housing Loans Redemption Fund (Use of Fund Surpluses) Amendment,

Road Traffic (Prescribed Vehicles) Amendment.

PETITIONS: GAMING MACHINES

Petitions signed by 685 residents of South Australia requesting that the House urge the Government not to introduce gaming machines into hotels and clubs were presented by Messrs Becker, Blacker, De Laine, Heron, Hopgood and Matthew.

Petitions received.

PETITIONS: PUBLISHING STANDARDS

Petitions signed by 92 residents of South Australia requesting that the House urge the Government to stop reduced standards being created by publishers of certain magazines and posters debasing women were presented by Mr Becker and Mrs Kotz.

Petitions received.

PETITION: BLACKWOOD POLICE STATION

A petition signed by 1 597 residents of South Australia requesting that the House urge the Government to reopen the Blackwood Police Station was presented by Mr S.G. Evans.

Petition received.

PETITION: CHILD ABUSE

A petition signed by two residents of South Australia requesting that the House urge the Government to increase penalties for offenders convicted of child abuse was presented by Mrs Kotz.

Petition received.

PETITION: JUVENILE OFFENDERS

A petition signed by five residents of South Australia requesting that the House urge the Government to increase penalties for juvenile offenders was presented by Mrs Kotz.

Petition received.

PETITION: PETROL TAX

A petition signed by 18 residents of South Australia requesting that the House urge the Government to reduce the tax on petrol and devote a larger proportion of the revenue to road funding was presented by Mrs Kotz.

Petition received.

PETITION: DRUG OFFENDERS

A petition signed by 106 residents of South Australia requesting that the House urge the Government to increase penalties for drug offenders was presented by Mrs Kotz.

Petition received.

PETITION: JUNIOR SPORTS POLICY

A petition signed by 142 residents of South Australia requesting that the House urge the Government to amend the junior sports policy to allow children greater access to competitive sport was presented by Mrs Kotz.

Petition received.

PETITION: TEA TREE GULLY POLICE SUBSTATION

A petition signed by 45 residents of South Australia requesting that the House urge the Government to maintain the Tea Tree Gully police substation as a 24-hour substation was presented by Mrs Kotz.

Petition received.

PETITION: ABORTION

A petition signed by 23 residents of South Australia requesting that the House urge the Government to legislate against termination of pregnancy after 12 weeks and prohibit the operation of pregnancy advisory centres was presented by Mrs Kotz.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 308 to 312, 314, 315, 318, 324, 331, 348, 356, 360, 373 and 405; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

FOSTER PARENTS

In reply to **Mr SUCH (Fisher)** 27 February.

The Hon. D.J. HOPGOOD: The questions referred to by the member for Fisher are part of an extensive assessment process which foster agencies use to examine whether foster parents are suitable to care for children. The assessment guidelines are used by all licensed foster agencies in Adelaide and were developed by a group representing those agencies and the Department of Family and Community Services:

Society of Sponsors;
Emergency Foster Care Inc.—Respite Care;
Anglican Community Services—Home Intervention Program;
Aboriginal Child Care Forum Agency Inc.;
Northern Country Aboriginal Foster Care Program;
Anglican Community Services—Child Care Unit;
Catholic Family Services—Children's Services Unit;
Emergency Foster Care Inc.;
Teenage Emergency Care Program;

South East Anglican Family Support Services—Foster Care Program;
Lutheran Community Care;
Port Pirie Mission—Northern Emergency Foster Care Program Interchange;
Shared Care—Regency Park Centre for Young Disabled;

The assessment looks at all aspects of the foster family's life. Caring for a foster child can place great stress on families and agencies need to know, for the children and foster familie's sake, that the new home will be safe for children.

The objectives of the Assessment are:

1. To identify the existence of any risk factors within the family.
2. To provide information about the family to enable care workers to match the child and foster family.
3. To enable all members of the family to decide whether they wish to proceed with the application.
4. To enable the department to make a decision regarding the approval of a foster family based on an assessment of risk factors.

The responsibilities of the Department of Family and Community Services and foster care agencies in foster care are:

1. To ensure that foster placements for children are safe.
2. To ensure that foster parents are emotionally secure and have resolved any issues regarding abuse and their values and attitudes around sexuality and sexual relationships.
3. To provide and open and honest context in the foster care orientation, assessment and ongoing support relationship between workers and foster families for the discussion of sexual issues.
4. To provide opportunities for prospective foster families to opt out of the process of becoming foster parents based on being fully informed about the work they are to be asked to undertake.
5. To ensure that workers involved in the orientation, assessment and ongoing support of foster parents are provided with training and support regarding principles, standards, guidelines and issues in alternative care.

At a meeting on 3 March 1992, the majority of foster agencies, reaffirmed the importance of the thorough assessment and the need to determine that foster parents have sexually mature attitudes and behaviours and are able to handle provocative behaviour of children. Some agencies place profoundly disabled children. Often these foster parents have to insert catheters and rectal suppositories. The assessment procedure attempts to screen out inappropriate people such as paedophiles. All agencies (Government and non-government) have agreed that after 18 months of use, the assessment procedure is now due for review. A small working group of Government and non-Government representatives are working on a three month time frame to undertake the review.

Foster parents and children in foster care will be consulted and an officer from the Placement and Support Services Unit of the Department of Family and Community Services receiving comments, as will the heads of non-Government foster agencies. I look forward to receiving advice on all the questions asked of prospective foster parents. The day when any 'nice' family can go along to any agency and take a child home are well and truly over. Prospective foster parents are advised that some of the assessment may feel intrusive. Some prospective foster parents choose to withdraw at this point. Fortunately for the children, other potential foster parents understand the need for in depth assessment and readily accept the challenge of caring for disturbed or disabled children.

FISHING LICENCE

In reply to **Mr MEIER (Goyder)** 19 February.

The Hon. LYNN ARNOLD: In respect of Mr Peter Germein of Corny Point, who currently holds a marine scalefish fishery licence No. M408 which he purchased for the declared sum of $18 000 in August 1991, it should be noted that in the six months prior to Mr Germein's licence purchase the average price paid for a Marine Scalefish Fishery licence was $28 000. Prices of licences generally vary according to market fluctuations, gear endorsements and equipment accompanying the purchase of the licence. The price paid by Mr Germein for the licence therefore seems indicative of the market given that the licence had no gear endorsements.

Mr Germein made application on 19 August 1991 for the endorsement of certain fishing devices on his recently purchased licence. As explained in the letter of 24 January 1992, Mr Germein was informed that his application was refused but that the decision was subject to review once the future management arrangements for the fishery are established following finalisation of the supplementary marine scalefish fishery review green paper. Mr Germein was also advised of this via a telephone conversation with an officer of the Department of Fisheries on 14 August 1991. The pertinent facts are that:

- the marine scalefish fishery is largely fully exploited, and in some regards, is facing decline through overfishing.
- there is a general policy that new endorsements will not be issued within the current management system.
- in the event that individual catch quotas are introduced to the fishery as a result of the review, there may be scope to introduce an agreed standard 'set of tools' for licence holders to take approved species.
  - — however industry has not supported the immediate introduction of catch quotas.
- the supplementary green paper is a discussion document only and does not represent the government's position or decision on future management of the fishery.
  - — this matter is still at the consultation stage and it is incorrect to infer that any decision has been made regarding future management arrangements.
- the department's advice to Mr Germein was correct in that no additional endorsements are being issued but the matter is subject to review.
  - — the department is generally careful not to pre-empt the outcome of the review, and whilst leaving options open, would not infer that additional endorsements will be issued.
  - — indeed, all probabilities in an overfished fishery would suggest a tighter policy on endorsements, not a looser one.

In view of the above information it is believed that Mr Germein was given the correct information concerning his application.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Education (Hon. G.J. Crafter)—
Classification of Publications Board—Report, 1990-91.

By the Minister of Labour (Hon. R.J. Gregory)—
Workers Rehabilitation and Compensation Act 1986—Regulations—Commercial Vehicles.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—
Local Government Finance Authority Act 1983—Regulations—Kadina Community Hospital.
University of South Australia—By-laws—General.
Repeal of By-laws.
District Council of Beachport—By-laws—
No. 1—Permits and Penalties.
No. 2—Vehicle Movement.
No. 3—Height of Fences.
No. 8—Repeal and Renumbering of By-laws.

By the Minister of Aboriginal Affairs (Hon. M.D. Rann)—
Royal Commission into Aboriginal Deaths in Custody—Responses by Governments to Reports.
Summary of South Australian Initiatives.

MINISTERIAL STATEMENT: ABORIGINAL DEATHS IN CUSTODY

The Hon. M.D. RANN (Minister of Aboriginal Affairs): I seek leave to make a statement.

Leave granted.

The Hon. M.D. RANN: Today around Australia Parliaments are tabling copies of the responses to the Aboriginal Deaths in Custody Royal Commission. The royal commission was established in October 1987 and inquired into the 99 deaths of Aboriginal people in the custody of police, in prisons or in youth detention institutions. Twelve of these deaths occurred in South Australia. The royal commissioner's individual reports into the South Australian deaths were tabled in the Parliament during the course of the inquiry, and the final report and recommendations by Royal Commissioner Elliot Johnston were tabled in May 1991. As I said when tabling it, the final report is an historic, hard-

edged document dealing with some of the most crucial issues affecting Aboriginal people.

Instead of looking at the symptoms and the individual tragedies the report probes the fundamental reasons for disadvantage and injustice; why a disproportionate number of Aboriginal people were, and still are, in custody around Australia. The report does not confine itself to important criminal justice and custodial issues, but addresses underlying issues such as racism, cultural breakdown, employment, education, training, housing, health and justice and media stereotyping. It also addresses fundamentally important land rights issues, where South Australia is the clear national leader and will remain so.

Of the 339 recommendations, I am pleased to announce today that the South Australian Government has given the strongest support to the vast majority. Only three of the recommendations are not supported (because South Australia has chosen to deal with the problems identified in a different way), while five responses have yet to be determined pending further discussions. However, this is not the time for this Government or this Parliament to be self satisfied. We must use the recommendations as a constant reminder that we need to sharpen our focus in response to meeting the needs of Aboriginal people. We must also commit ourselves to work constructively with Aboriginal people to achieve real and lasting outcomes. These final 339 recommendations followed on from the earlier 56 recommendations of the interim report, known as the Muirhead report. South Australia led the nation in responding to these, allocating recurrent funds of $8.7 million over three financial years to a range of Muirhead initiatives.

However, there is still much to do, as Commissioner Johnston has highlighted in his final report. South Australia will again lead the nation in its reponse to the final report. The State Government believes that we must move firmly away from strategies that reinforce welfare dependency and instead encourage independence through employment and training, and that Governments must consult with Aboriginal organisations in implementing the report's various recommendations.

The policy decisions announced today will be translated into effective, practical strategies after full and proper consultation with Aboriginal communities. However, in South Australia we have made a start, and I now table a brief summary of initiatives which directly relate to the recommendations of the royal commission.

These initiatives cover the important areas of law and justice, education and employment, health and youth and community support, and include a range of new employment and training initiatives: a business advisory panel for Aboriginal enterprises on Aboriginal Lands Trust land; an essential services training program to train local Aboriginal people to undertake much of the minor works and maintenance of physical infrastructure on Aboriginal lands; a State Aboriginal sobriety network conference as a vital step to forming a coordinated and effective community based sobriety strategy; the appointment of an Aboriginal Crime Prevention Officer to work in the Crime Prevention Unit; the Aboriginal Legal Rights Movement in South Australia will benefit from an increase in Commonwealth funding following submissions by the State Government; the establishment of an Aboriginal languages institute; an Aboriginal youth worker training project; Aboriginal media awards; the development of new TAFE facilities with a special emphasis on Aboriginal programs; and the establishment of a new Aboriginal women's adviser position.

The process of responding to these recommendations will continue for years to come. They should go beyond politics and beyond boundaries on maps. South Australia's record of bipartisanship in Aboriginal affairs has allowed us to forge ahead of other States in terms of effecting real achievements for Aboriginal people. It will be a national tragedy, a national disgrace, if this spirit of bipartisanship is not transferred to Federal-State relations.

South Australia will not duck its responsibilities. However, the Commonwealth Government has, by formal agreement and under the Australian Constitution, a 'special responsibility' for Aboriginal affairs. Ultimately, it is the Commonwealth Government that must take responsibility for ensuring that Aboriginal people achieve the same rights as other Australians. But it can do this only by harnessing the goodwill and cooperation of the States—a goodwill proven by the ready allocation of resources and effort to implementing the recommendations of the interim report. Better coordination in Aboriginal affairs around Australia is essential. By working cooperatively, the Commonwealth can utilise the States' expertise in service delivery to ensure maximum value and best outcomes for each dollar spent.

There has been a great deal of talk about a process of reconciliation, a Commonwealth Government initiative to improve for all time relationships between Aboriginal and non-Aboriginal people in Australia. To date, reconciliation has been strongly supported by the South Australian Government. But, reconciliation must mean more than rhetoric.

The cynicism and suspicion with which many Aboriginal people regard the reconciliation process is understandable. At the national level, promises have been made before about treaties, instruments, the Makaratta and national land rights, and sadly promises have been broken. An important measure of the Commonwealth Government's willingness to achieve reconciliation will be its willingness to press more vigorously for recognition of the rights of the Maralinga people by the British Government. Later this year, the United Nations Commission on Human Rights is meeting in Geneva, Switzerland, to discuss Aboriginal issues amongst other things. It is vital that the Maralinga compensation and clean-up issues be put on the agenda.

In conclusion, the tabling of the Commonwealth and States' responses to this historic Royal Commission into Aboriginal Deaths in Custody is not the end of the matter. There is a lot more to be done. But this response represents the State Government's pledge that issues will be tackled comprehensively so that Aboriginal people can take their rightful place in society.

QUESTION TIME

The SPEAKER: I advise that any questions normally directed to the Minister of Mines and Energy or the Minister of Emergency Services will be handled by the Deputy Premier.

1998 COMMONWEALTH GAMES

Mr D.S. BAKER (Leader of the Opposition): What assurance can the Premier give that the orchestrated intervention by his Minister of Recreation and Sport in the matter of the venue for the 1994 Commonwealth Games will not lose South Australia votes in its bid for the 1998 Games, and has he warned the Minister to be more careful about his actions in future? The Minister said that he had become involved in this issue only at the invitation of the media. However, I have been informed that the Minister's office rang media outlets on Sunday drawing their attention to a

report in the *London Times* and advising that the Minister wished to comment. The Minister's intervention in this manner has been criticised by the Chairman of the South Australian Games Committee, Mr Ron O'Donnell, who has said that it is not South Australia's role to usurp Victoria, Canada, and his committee has no doubts whatsoever that Victoria will be ready to host the 1994 Games.

The Hon. J.C. BANNON: First, the Minister has not orchestrated any actions in relation to this matter. On the contrary, the purpose in drawing attention to the *London Times* articles, I would have thought, would be to make sure that the South Australian attitude was made very clear because of the way in which that report had been written. In view of the way in which speculation can run rife, it would have been quite damaging if in fact definitive statements had not been made, as indeed they were, by both the Minister and me. Those statements are made quite clearly.

The fact is that we are the bidders for the 1998 Commonwealth Games. That is our aim and objective. If others in the Commonwealth Games Federation have doubts about whether or not Victoria, Canada, can stage the games, if they are suggesting that another location should be found, and if having gone through that process some sort of approach is made to Adelaide, then fine, it will be considered. However, it would have been quite phoney, quite coy and, indeed, erroneous for us to spend weeks, as we have, explaining and demonstrating to delegates our capacity to stage the games by reason of the fact that most of our facilities are in place and then, confronted with a suggestion that Adelaide could hold the games in 1994, say, 'No, that is not possible; forget everything we have been telling you about that.'

Members interjecting:

The SPEAKER: Order!

Mr S.J. Baker interjecting:

The Hon. J.C. BANNON: What Chairman? I do not understand the comments made by Mr Ron O'Donnell to be based on information. There has been, and will be, no soliciting on our part, and we have made that abundantly clear. We want to get the record straight. We have also made it abundantly clear—as the member for Hanson should have been briefing or advising the Leader of the Opposition, because he has been a very prominent part of the process—that our whole pitch has been based around Adelaide's preparedness: we are there, ready to go. We are not talking about plans on paper: we are talking about a reality, a staged process of assembling venues which were undertaken since 1986 following the Minister's initial commissioning of a report to see whether or not Adelaide could stage a Games. We cannot deny that to the international arena, and we will not deny it.

However, I come back to the point: 1998 is our objective. We believe we are on course for that and, whatever controversy there is around the 1994 Games, we are not part of that. We have not solicited. If the Commonwealth Games Federation in its inquiries or investigations wants to suggest certain things, well and good, but that is where the matter rests as far as we are concerned. That is what the Minister has said, and that is our position.

QUEEN ELIZABETH HOSPITAL

Mr HAMILTON (Albert Park): My question is directed to the Minister of Health. Is the State Government, and/or the Health Commission, cold shouldering the Queen Elizabeth Hospital? An article in the Messenger Press *Weekly Times* of 18 March 1992 (which, no doubt, you have read, Mr Speaker) states:

> The State Government has been accused of cold shouldering the Queen Elizabeth Hospital despite a new Government report saying that the western suburbs need extra resources.

The article goes on:

> The Chairman of the QEH Medical Staff Society says the hospital's treatment standards would eventually suffer unless its long overdue stage 2 redevelopment went ahead.

The Hon. D.J. HOPGOOD: I did see the statement and I was disappointed with it. Indeed, I am sure a lot of people in the health system would have been disappointed with it. What is going on, of course, is that health budgets are being put together right now, and you can put together a health budget in the sense of dividing up the cake between the various health units on the basis of a show of naked political power on the one hand or by a fairly rational process on the other. Most of the health units display by the way in which they operate within the system that they believe in a rational process for putting budgets together. Although I would not want to tar the Queen Elizabeth Hospital as a whole with this brush, obviously this person prefers the former way of proceeding.

I notice from the quotation that we are basically concerned about capital money so I will not take up the time of the House to talk about the way in which recurrent funding is distributed. The Queen Elizabeth Hospital gets its fair share of the cake so far as recurrent funding is concerned. However, the Queen Elizabeth Hospital, like the Royal Adelaide Hospital, is an old hospital. A good deal of its capital stock is very much older than what one finds at the Lyell McEwins, the Flinders or the Modburys of this world. A good deal of it will require some addressing in forthcoming years. Of course, some of it has already happened. Millions of dollars of capital money have been spent at the Queen Elizabeth Hospital, and they had me down there, as I recall, about 12 months ago for the reopening of the kitchen facilities at the hospital.

In addition, I remind the House, as the honourable member who asked this question well knows, that I answered another question from him only a week or so ago about rehabilitation facilities associated with the western suburbs. They are second to none, if one wants to look at an area basis of rehabilitation facilities. I can give the honourable member an assurance that, by that track record, the Queen Elizabeth Hospital is not being cold-shouldered so far as capital facilities are concerned. We know there is some work to be done in the forthcoming years and I expect that we will be able to address that in the capital program, but that will be as a result of a rational assessment of need and not simply on the basis of who makes the most noise.

REMM-MYER CENTRE

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Treasurer confirm that, under the State Bank's agreement with the other seven banks participating in the $550 million syndicated construction and medium-term debt facility to fund the Myer-Remm Centre, the Remm company was required to inject at least $200 million equity into the project by today? Has this condition been satisfied and, if not, is the State Bank now in the position of either having to move to total ownership of the project or repaying those banks wishing to withdraw from the syndicate?

The Hon. J.C. BANNON: I will take that question on notice and provide a considered reply for the honourable member, having sought some information from the bank.

HOUSING TRUST

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Housing and Construction advise what development and redevelopment programs the South Australian Housing Trust is undertaking in Elizabeth and Munno Para? Will those developments have any impact on the surrounding Green Fields developments? A meeting was held last Wednesday by the Housing Trust at the Elizabeth TAFE College to advise tenants on various redevelopment projects. My concern as one of the members representing Elizabeth and Munno Para is that any trust development could create new investments in the district to enhance the local community. I am concerned to see that proper planning occurs that ensures a balanced mix between redevelopment and refurbishment in older areas and properly planned, new Green Fields developments.

The Hon. M.K. MAYES: I thank the member for Napier for his question, knowing that this subject is of great interest to him, not only as the local member but as my predecessor as Minister of Housing and Construction. The Housing Trust has had a longstanding commitment to the people of Elizabeth and Munno Para through its development of Elizabeth as the garden city in the 1950s and through its substantial presence in public housing in that community.

I think it is important also to look at ownership in regional centres. In fact, the trust currently owns about 50 per cent of the housing stock in the Elizabeth/Munno Para urban area. For some time the Housing Trust and the Government have been concerned about the Housing Trust's presence in Elizabeth; in fact, we believed it might be too large a presence in such locations. Consistent with a State Government objective of having a certain spread of public housing throughout the metropolitan area and the regional centres, we have looked at a review of that policy, particularly to assist low income earners throughout the affordable areas of the city of Adelaide, regional centres and country towns.

As a consequence, we have taken a decision with the trust that there should be an objective of reducing our presence in those areas, and a feasibility study is being undertaken to assess, particularly, the development of a project in the Elizabeth North area. This is being planned as a demonstration project to test the opportunities for the injection of new investments through redevelopment and then the sale of houses in those areas, particularly of course, as the honourable member knows, in Elizabeth. The trust has an objective of supporting home ownership in Elizabeth, and that is a fundamental aspect of the program we are implementing through this selected project. The feasibility study has been conducted by the Delfin Property Group Pty Ltd, and we are looking forward to the result of that, because we aim to look at about a 15 per cent ownership of public housing within those localities. I think that will quite significantly change the social structure and the outlook of the Elizabeth/Munno Para area.

Of course, that has an impact on Elizabeth North and, in looking at what has been planned in connection with the Better Cities Program—the Commonwealth Government funded program that is directed towards part of that exercise—I am keen and certainly very hopeful that the project will receive assistance from the Commonwealth. In particular, I understand that the negotiations with the Commonwealth include funding deep water flood control in order to assist the further development of our program in that area. I am very keen to see that this proceeds, because I think it is fundamental to achieving the Housing Trust's and Government's objectives. The Minister responsible for that is the Deputy Premier, and I am advised that discussions are well under way.

One of the outcomes of that, of course, is Stebonheath flood control park, which I am very keen to see benefit from the deep water flood control works proposed under the Better Cities Program—and on which I think the member for Hartley has commented in the local media. I can say to the member for Napier that I have a very keen interest in seeing this proceed. The honourable member asked about the impact on Green Fields, which is a very important part of this project, as well as a large range of other projects occurring in the northern metropolitan Adelaide area, of which I am sure members of northern electorates are fully aware. The redevelopment project in the Elizabeth North area has little impact on other developments occurring. That is also important to know, because there is concern in the community about the possible impact on other developments. Therefore, I can assure the honourable member, who I am sure will convey this to his constituents, that the overall impact on Greenfields from the development in question will not affect the other developments planned within those communities.

SOUTH AUSTRALIAN SPORTS INSTITUTE

Mr OSWALD (Morphett): Will the Minister of Recreation and Sport make public the results of all investigations undertaken since the running of the Sports Institute? I have been informed that much of the dissent that culminated in the resignation of the Chairman of the institute and last week's resignation of five other board members first surfaced following a financial procedures audit at the institute, dated 24 October 1991. This audit covered air travel, casual employment, the use of credit cards and equipment purchases. As one example, the audit has identified a total of $173 000 worth of air fares but makes the point that the institute Director's approval had not been sought for air travel and there was no formal process for the booking of flights.

The institute's sports plan coordinator is listed as authorising accounts for payment up to $33 663 while she only had authorisation to approve up to $8 000. The audit is also highly critical of stock control procedures. When financial practices at the Sports Institute were the subject of questions in this House in 1989, the Minister gave an assurance on 5 September of that year that the Chief Executive Officer of his department 'will ensure that the business of the Sports Institute is conducted properly'.

The Hon. M.K. MAYES: The honourable member endeavours to throw out a net and draw as many issues together as possible and make it as sensational as he can, as is often his way. Practices have been developed by board members in terms of how they operate and the way in which they assumed certain powers which they did not have and could not have in accordance with the powers vested in me through the Parliament. I went to lengthy efforts last year to explain this issue to the House. I tabled the documents and read into *Hansard* the terms of reference which were supplied to the then Acting Chairman, Mr Peter Bowen-Payne, and to members of the board. That is on the record, and I am sure that information outlines the situation with regard to the agreement that I understood we had reached in regard to the operation of the board.

Historically, the board, over time from its inception, developed practices which could not be sustained, because *(a)* it was not legally vested with those powers and could not make those decisions; and *(b)* it had to be accountable

to me and to the Parliament in order to undertake many of the tasks that it was undertaking.

With the Opposition often crying for greater accountability in the Parliament, I am sure that it endorsed the situation that I established: that the board, as an advisory board, must be accountable to the Minister and to the Parliament. That is the agreement that has been reached. Obviously, from the reaction of Mr Bowen-Payne and the other board members, it is quite clear that they could not and did not accept that situation. I am sorry that has occurred, but unfortunately I cannot vest in them powers which are vested in me and not passed off—

Members interjecting:

The Hon. M.K. MAYES: You have had your time and I am still waiting for your apology. We might be here for another 10 years waiting for your apology.

Members interjecting:

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

The Hon. M.K. MAYES: The member for Heysen pipes up, 'You couldn't remember the question, let alone answer it.'

The SPEAKER: Order! The Minister will direct his response through the Chair.

The Hon. M.K. MAYES: I accept your direction, Mr Speaker. In relation to the issue that brought this matter to a head, there was an inquiry by the Acting Director into an instruction that came from Treasury with regard to the TAS system of accounting. Fundamentally, we went through the exercise of looking at how the administration structures should operate with regard to that proposal and instruction from Treasury. That was followed through and that brought the matter to a head in relation to the accounting structures. Those steps have been taken and properly instituted. I will take on notice the honourable member's questions in relation to the particular matters raised regarding air travel, and so on, and I will bring back a report to the Parliament.

WASTE DISPOSAL

Mr HOLLOWAY (Mitchell): Will the Minister of Water Resources indicate whether the Government will provide financial assistance towards the cost of constructing a septic tank effluent disposal scheme at Kersbrook to help reduce the risks to health and the environment associated with unsatisfactory waste disposal practices?

The Hon. S.M. LENEHAN: Yes, the Government is certainly prepared to contribute very substantially to the cost of the Kersbrook septic tank effluent disposal scheme. In fact, we are providing $791 500 towards the total cost of $900 000, so our commitment is clearly evident. The scheme will include a septic tank effluent collection scheme, a lagoon treatment facility and evaporation ponds to dispose of the effluent, to eliminate the risk of polluting the water catchment for the Millbrook Reservoir. The chosen method of land based disposal of effluent conforms with the Government's philosophy on the minimisation of environmental impacts from waste water disposal. Work is to begin on this scheme as soon as possible.

SOUTH AUSTRALIAN SPORTS INSTITUTE

Mr SUCH (Fisher): My question is directed to the Minister of Recreation and Sport. Will Mr Michael Nunan be returning to his position of Director of the Sports Institute at the completion of his current long service leave?

The Hon. M.K. MAYES: That question has already been asked. Mr Nunan is on leave. When he completes his leave that position is his and, no doubt, he will return. That is entirely his decision. I cannot see why the honourable member cannot pick up the previous answer from *Hansard.*

WASTE WATER DISPOSAL

Mr FERGUSON (Henley Beach): Has the Minister of Water Resources received a copy of the draft report by the Industries Commission dealing with water resources and waste water disposal, and do the recommendations contained in the draft report have significance to South Australia?

The Hon. S.M. LENEHAN: I thank the honourable member for his continuing interest in the whole question of the proper management of water resources in South Australia. I have noted the draft report, and many of the issues raised therein coincide with action that is currently being taken in South Australia by this Government to reform water, sewerage and drainage services. The report will provide a basis for further consideration of many of these important issues, and I should like to share a number of those issues with the House.

The report identifies the need for the corporate role of service providers to be commercially focused. Every member of this Parliament would agree with that. The report also identifies the fact that urban drainage services should be separately identified and separately charged for. A discussion paper is circulating at the moment with local government in terms of that issue. The Australian Water Resources Council should monitor the performance indicators. The report also highlights that environmental monitoring should be undertaken by an outside agency, such as the Environment Protection Authority.

Tariff policies should include access and usage charges, as we now have implemented in South Australia and as is currently the subject of further analysis and review by Mr Hudson, and the trade waste charges should be based on the quantity and composition of waste being discharged. This Government is addressing all these issues and many others, and we welcome the report from the Industries Commission. I, personally, look forward to participating in the next round of public discussions through the public inquiry process when the hearings are held in Adelaide in May of this year.

MINISTER OF RECREATION AND SPORT

The Hon. B.C. EASTICK (Light): Will the Premier agree that the actions of his Minister of Recreation and Sport during the past week, directed at the Unley council, undermine and jeopardise the key aim of the memorandum of understanding signed by the Premier and local government in October 1990 to maximise the 'autonomy, independence and . . . capacity for self-management of local government'; and will he instruct his Minister to stop his campaign of interference with and intimidation of council members who are legitimately fulfilling responsibilities for which they alone have been elected?

The Hon. J.C. BANNON: I think one of the functions they are fulfilling is the struggle for Liberal Party preselection to try to get endorsement for the seat of Unley at the next election—and we know what a shemozzle that is—and they have decided to play a few opening bouts to show how capable they are of dealing with the member for Unley.

Unfortunately, I suspect that the Liberal Party is scratching its head and wondering who it will endorse in the face of that amateurish behaviour. It is a distortion of local government and its function for councillors to scrap with the local member in that way. But, that is fair enough if they want to do it.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I would be interested, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I am making the point, Mr Speaker, that it is not about levels of government so much as about State Government to State Government—the desire of some of those on the council to strut their stuff and show that they would be great standard-bearers for the Liberal Party. The Minister is acting in his capacity not as a Minister but as the local member, and he is doing it very well. He is quite capable of looking after himself in this area. I was interested in the question because I seem to remember the member for Hayward involving himself extremely actively in relation to the concerns of the Marion council to the extent of censures and a number of other things, but I do not know whether the member for Light is trying to have a little go at his colleague.

The member for Hayward's seat has apparently disappeared in the recent redistribution, and he has his designs on several places—whether one is the seat of Light I do not know. I have heard that Hartley is a possibility, and one or two others are also possibilities. Perhaps this is a little scheme that was devised by the front bench to try to cut him off at the knees. It is extraordinary that the honourable member asks the question in this way when, as I say, one of his own colleagues has been involved, I would have thought, in a scrap of somewhat similar dimensions but, certainly, I do not think with the same result.

To come back to the point, it is quite appropriate for the Minister in his role as a member of Parliament—as it is for any member of Parliament—to have debate, communication and, indeed, dispute with local government providing that he is acting appropriately in the interests of his constituents. That is the right of a member of Parliament, and it does not in any way interfere with the relationship between State and local government at the level of the memorandum of understanding that the honourable member is talking about.

POLICE PROCEDURES

Mr McKEE (Gilles): Will the Minister representing the Minister of Emergency Services investigate an incident in relation to the correct procedure for police to apprehend a member of the public in relation to alcohol breath testing? At just past midnight on the night of Friday 27 March 1992 a 27 year old woman and her female companion had parked their vehicle to attend a late show at the London Tavern. They were proceeding along the footpath when they were stopped by the police and informed that the female driver had refused to take an alcohol breath test at a roadside breathalyser station.

The woman replied that she was unaware of any breathalyser testing unit and had not even driven through one and, therefore, had not refused a test. This was correct, because the point of apprehension by the police was some distance away and on a different road to that which the breathalyser unit was on. The police then attempted to put the woman into the back of a police vehicle, at which time the woman objected and asked what she was being charged with. Another police vehicle—a paddy-wagon—arrived at the scene and the woman was then charged with resisting arrest, was handcuffed and two police officers grabbed her in a headlock and physically lifted her off the ground and threw her into the back of the wagon for transport to the Angas Street Police Station. There she was charged, fingerprinted, called a common criminal and held in a cell until let out on bail.

The Hon. D.J. HOPGOOD: Certainly I will take up the matter, in the absence of my colleague. I assume that the honourable member wants not only the principle to be investigated but also the circumstances of this particular case, and I am happy to do so.

UNLEY SHOPPING CENTRE REDEVELOPMENT

Mrs KOTZ (Newland): Will the Minister of Housing and Construction tell the House why he has failed to publicly declare the conflict of interest involved in his calling of a public meeting tonight in relation to the Unley Shopping Centre redevelopment? The Minister, for some time, has been advocating that public housing be established on this site and many residents of Unley have complained to the Opposition that this is being done to shore up the Minister's electoral position.

Members interjecting:

The SPEAKER: Order!

Mrs KOTZ: The Minister has called tonight's meeting in conjunction with a Mr Taeho Paik. I have been advised that Mr Paik is not a ratepayer, but he is an architect who had a meeting with the Mayor of Unley on 27 December last year to present plans prepared by him for the Unley Shopping Centre site. This meeting, I am informed, was arranged by a member of the council, Ms Libby Davis, who also happens to work in the Minister's electorate office.

The Hon. M.K. MAYES: Wel, I am delighted that you have brought this up—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: —and you will regret it. Let me just tell you that. I am delighted that the honourable member has brought this matter forward, because this is a disgraceful attack on an individual. You have not done your homework. Someone has passed the question to the honourable member. Mr Paik is a resident of Unley. He lives in Hart Avenue, Unley, and it is despicable that you should attack him like this without his having a right of reply. You are a disgrace as a member. You are an absolute—

Members interjecting:

The SPEAKER: Order!

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, I ask that you rule that the Minister direct his remarks through the Chair.

The SPEAKER: Yes, the point of order is upheld. The Minister will direct his response through the Chair.

The Hon. M.K. MAYES: I will be delighted to do so and to obey your instruction, Mr Speaker. This is appalling and is typical of an attack that the Liberal Party carries out on the individual.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I will ignore the Deputy Leader, because he is there only for a brief period. The situation is that a number of concerns have been expressed in the area,

in the electorate, about this development. For many years, the council has been talking about the redevelopment of the Unley Shopping Centre. In fact, it embarked on an extensive survey to discover what community facilities the community would like to have in the redeveloped Unley Shopping Centre. There are no community facilities whatsoever in the proposal put before the Planning Commission.

I have received a letter from Mary Miller, President of the Senior Citizens and Pensioners Association, who is concerned about the impact on the Unley Senior Citizens Club, which is right opposite the proposed development in Arthur Street. Mr Taeho Paik came to see me some months ago expressing his concern about the development. He resides about 300 metres from the proposed development. I wish I could claim this as my own idea. In fact, Mr Paik came to me and said that he was very concerned about this development. Over a period of time I had written to the council expressing the concerns of residents who had stopped me in the street asking, 'What about traffic management? What about car parking?'

I had written to the council on regular occasions asking what the development was. The reply was that the matter was in camera and before council. As a consequence of Mr Paik's visit to me, as a follow-up to that, he suggested that we ought to have a public meeting. I agreed: it was a proper and appropriate right. I would have thought that the cornerstone of democracy was the right of freedom of assembly, upheld in this place and defended by members of Parliament.

Dr Armitage interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: The member for Adelaide interjects. You are a new boy here; just hang around for a while until you know the routine. It is defended by this place as a cornerstone. I responded to a constituent's inquiry to call a public meeting. I thought that was appropriate. I am sure that the member for Hayward agrees with me.

Members interjecting:

The Hon. M.K. MAYES: I went to the council on numerous occasions but met a brick wall in response. Consequently, it was appropriate for me to act with constituents such as Mary Miller on behalf of the senior citizens. The honourable member should visit the Unley Senior Citizens Club to find out how members of the club feel about it; she should speak to the management committee to find out what consultation and involvement it has had. She would find out how people feel about having this development opposite their centre.

This is the heinous act that I have committed: to call a meeting of constituents tonight at 6.30 in the Unley Senior Citizens Centre so that residents can attend and have a say about this development—something which they have not had. I put to the House that, where a major development is to occur in an electorate, most councils would call a public meeting. This is a multimillion dollar development. Moreoever, the site is owned by the City of Unley. The ratepayers own this land. It is their land and, therefore, it is their development. However, they have not had an opportunity to have a say. Certainly, the plans were put on display for six weeks, but when were the plans lodged with the Planning Commission? I understand that they were lodged on 24 December, Christmas Eve. They were put on display in early February. What chance have the residents of Unley had to have a say about this multimillion dollar development, which is the focus of development in Unley?

Let us look at what has been done by this council. I wrote to council advising it that I had been approached by constituents asking for a public meeting. I invited the council to attend that meeting. What did I receive in return? I received a censure motion, which was passed by the council. The Premier referred to the Liberal candidates who are shaping up, and I am delighted they are. I look forward to that campaign with great enjoyment, as I have enjoyed other campaigns and all the other candidates who have fronted up. I notice that the Lord Mayor has not fronted up in Unley. I wonder why.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: They have gone for B-graders. They could not get an A-grader, so they have gone for a B-grader.

The SPEAKER: Order! I point out to the Minister the need for relevance.

The Hon. M.K. MAYES: Yes, Sir. The motion reads as follows:

> That this council deplore the action of the member for Unley, Mr M.K. Mayes, as reported in the *Courier* of 18 March 1992 and confirmed in his letters to the Mayor and Town Clerk—
>
> I had the decency to write and invite them—
>
> advising council that he has arranged a public meeting. This action is a mischievous and unwarranted interference in the proper functioning of this council.

I believe that its decision is an interference with my right as a member of Parliament. I can see the member for Hayward nodding his head in agreement because he knows that we have a right to represent our constituents. Yet, the member for Newland takes this as a question from the front bench. Does this not confirm the suspicions that I had a senior developer in the city ring me up and say, 'Listen, mate, just beware. I have overheard a conversation from some senior Liberals that they are going to use this exercise to try to embarrass you to support a particular candidate against you in Unley.' What we have seen today with various papers being exchanged confirms that. To cap it off, the council passed another motion, which reads:

> That this council censures the member for Unley, Mr Mayes, and expresses its lack of confidence in him.

Well, that worries me!

Members interjecting:

The Hon. M.K. MAYES: As the Deputy Premier says, I am underwhelmed. This is a serious issue. Members have a right under this Constitution to represent their constituents and I am sure that you, Mr Speaker, uphold that right and do it daily. Moreover, the cornerstone of that right is the free assembly of constituents, and that is what I have done. The council has reacted to that action. This was not a public issue until the Unley council passed these motions condemning me for my actions. Perhaps I should have raised it to bring it to the notice of the community. I did not. The council raised this issue and brought it to the attention of the community. I am disgusted that the honourable member has raised it in this form and, in fact, queries her own right and responsibility to represent her constituents.

Members interjecting:

The SPEAKER: Order! The Minister is out of order. The member for Mount Gambier is out of order. The member for Napier is out of order. The honourable member for Stuart.

NAVIGATIONAL AIDS IN SPENCER GULF

Mrs HUTCHISON (Stuart): Can the Minister of Marine advise the current position regarding navigational aids in Spencer Gulf? Has he been able to speak to the Federal Minister, Senator Bob Collins and, if so, what were the

results of that meeting; if not, when will that meeting take place?

The Hon. R.J. GREGORY: I thank the member for Stuart for her question. As the House would be aware, the Australian Maritime Safety Association has decided to cease funding the repairs and maintenance of a number of navigational lights in the Spencer Gulf and what is known as the Middleback region. There has been considerable concern about the Commonwealth Government's action in this regard, because mariners believe that these lights are necessary. From the discussions I have had with people who fish in the area and from the advice I have received from associations which represent master mariners, it seems that, as the gulf is quite shallow and as there is a well-defined channel in that area which needs to be marked, these lights should continue to operate.

I have inspected two of the lights, and one of them is in a very dangerous condition and, indeed, might soon fall over. Another light has been burnt and has not been properly repaired. I have had discussions with the Minister for Shipping and Aviation Support, Senator Bob Collins. The removal of these lights as they are now would entail considerable work and cost in excess of $75 000, because the piles would have to be cut off about a metre below the sea bed, as that is an area which is dragged for prawns.

I suggested to the Senator that, if the Government funded the removal of the two lights which I had inspected and the other light of which we have knowledge and replaced them with single pole navigation lights—and I have been advised by officers of the Department of Marine and Harbors that that would be adequate—we would pick up the ongoing maintenance costs of those lights. We are able to do that at a reasonable cost because, as members would know, we have a program of replacing acetylene powered navigation lights with solar powered lights, and Andrew Wilson will be in the northern part of Spencer Gulf over the period of time in which we could do this, that is, until the end of May. If we cannot do it by the end of May, it will cost an extra $40 000. As yet I have not received a response from the Minister, but I anticipate that I will be seeing him within the next fortnight, and I will raise the matter with him, because I believe that these lights are important for the safety of people who navigate in those waters.

UNLEY COUNCIL

The Hon. E.R. GOLDSWORTHY (Kavel): Does the Minister of Housing and Construction include the Mayor of Unley, Mr Michael Keenan, in his public description of members of that council as 'this bunch of two-bob bloody politicians', bearing in mind that, in the latest issue of the community *Courier*, Mr Keenan said, 'I myself am in the Labor Party.'

The Hon. M.K. MAYES: That is an interesting question, particularly from the member for Kavel, because I could probably include him in that description. My reaction has been to not single out individuals, whereas the council has freely embarked on that exercise, as has, sadly, the member for Newland in not getting her facts right for a start—which is her style—and in singularly attacking an individual, a resident of Unley, and impugning that person's reputation, questioning the motives of that person—

Mrs Kotz interjecting:

The Hon. M.K. MAYES: Tut, tut.

An honourable member: Trying to get out of it now.

The Hon. M.K. MAYES: Yes. The honourable member is squirming, and so she should. It is important to note that this is an individual who has no interest. Let me just explain what brought this to a head.

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: On a point of order, Mr Speaker, the Minister is indulging in repetition. We had an explanation in regard to the previous question. He is now repeating what he said then.

The SPEAKER: There is no power under the Standing Orders to force an answer from Ministers or anybody at all in this House. The question and answer have taken less than a minute at this stage, and I have not noticed any repetition in that time. However, I will listen closely to the response and apply the Standing Orders if required. The honourable Minister.

The Hon. M.K. MAYES: I thank you for your direction in this matter, Mr Speaker. It is important to clarify the situation that has been brought about in relation to this individual. I think it is incumbent upon me to respond and at least clarify the matter following the member for Kavel's question. This person has shown a tremendous interest in his own area. He is a qualified architect. What he did—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: At the age of 24, Mr Paik went before—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: You don't like it, do you?

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: You can't take it.

Mr BRINDAL: On a point of order, Mr Speaker, I refer you to Standing Order 98, which states that a Minister replies to the substance of the question. I ask you to rule whether the Minister is in fact replying to the substance of the question.

The SPEAKER: In the answer to a question, some leeway is given. However, I ask the Minister to come to the point, to be relevant with the response and be as brief as possible.

The Hon. M.K. MAYES: It is important to put on record the details which led to the member for Kavel's wanting to clarify my statement concerning the council and its members. I clearly said that that statement was directed not to individuals but to the council as a whole, as is appropriate. From my knowledge, the Mayor is basically the spokesperson for the council. I can record for *Hansard's* benefit the votes that were taken. Obviously the Mayor did not cast a vote in this matter, but he is required, under the direction of the council, to speak on its behalf. If the Standing Orders of the Unley council have not changed since I was a member of it, we set in place clear guidelines that the Mayor should be the spokesperson on these matters. For the record, in relation to Mr Taeho Paik, it is important—

Mrs KOTZ: I rise on a point of order, Mr Speaker. In relation to Standing Orders and relevance, I point out that the Minister refers to a previous question, not the question that was just asked.

The SPEAKER: I think the Minister has responded fully to the question asked. If he wishes to summarise briefly, I will allow it, but the person being referred to was not a subject of the question.

The Hon. M.K. MAYES: I will summarise, Mr Speaker. In relation to the member for Kavel's question, it is clear that my statement was directed at the council as a body. I believe that it has endeavoured to interfere in my role as a local member representing my constituents. I think it is appropriate that it wear certain labels in accordance with

the role that it has played. Indeed, it is important that we should look at the impact that this has on the future role and functioning of democracy and how State members operate within their community.

BOTANIC GARDENS

Mr De LAINE (Price): My question is directed to the Minister of Housing and Construction. The Botanic Gardens has launched a public appeal to restore the Botanic Gardens Palm House. What has the Government done to assist in ensuring that this important feature in the Botanic Gardens is preserved for the enjoyment of future generations?

The Hon. M.K. MAYES: I am delighted to say that we are establishing a program for the Palm House. My colleague the Minister for Environment and Planning has a keen interest in this area. Along with Federal Government funding—

The Hon. S.M. Lenehan interjecting:

The Hon. M.K. MAYES: My colleague informs me that $1.2 million will be received from the Federal Government to assist in the redevelopment and preservation of this very important and historic heritage item. As I understand, there are only two of these structures in existence in the world, and it is important that we realise that. This city is privileged to have such a valuable and historic heritage asset. I am delighted that the honourable member asked me this question, because it is important from the point of view of public fundraising. I believe that the Minister had a direct involvement in that, and has been openly and very vocally encouraging the continuation of support for the total restoration of this historic asset.

The total bill will be $1.5 million, and I am sure that we will always be very proud of having restored it. It will always be a marvellous asset for our children and theirs to enjoy for many years to come. Once the Palm House is restored, I invite all South Australians to participate in and enjoy its presentation.

NORTHFIELD RESEARCH CENTRE

Mr S.G. EVANS (Davenport): My question is directed to the Minister of Agriculture. Is the Government reviewing its $50 million plan to relocate the Northfield Research Centre in the grounds of the Waite Agricultural Centre because of financial pressures and the priority to relocate the Queen Victoria Hospital and refurbish the police headquarters building? The Government announced in 1989 the project to relocate the Northfield Research Centre and reclaim the land at Northfield for housing purposes.

The cost of the relocation was to come from the sale of the land and was also to include the relocation of the Department of Agriculture's headquarters to the Waite. I have been informed that, because of other relocation priorities, the Northfield Research Centre's move and the extent of its operations at the Waite are being reviewed.

The Hon. LYNN ARNOLD: The answer is 'No.'

FISHING INDUSTRY RESEARCH AND DEVELOPMENT BOARD

Mr ATKINSON (Spence): Will the Minister of Fisheries advise the House whether the preliminary work has been completed to establish a South Australian Fishing Industry Research and Development Board?

The Hon. LYNN ARNOLD: The answer is 'Yes.' Agreement has been reached with the fishing industry for the establishment of a nine-person board that will have an independent chairperson. The board will comprise four representatives from the commercial sector, one from the recreational sector, two from the Department of Fisheries and one research scientist from a tertiary institution. I have had discussions with SAFIC and with the Department of Fisheries about the person to be the independent chairperson and, as a result, I have nominated an independent chairperson with the concurrence of both SAFIC and the department, and I am presently awaiting advice from that nominee as to whether that person is willing to accept the offer. As soon as I have that advice, I will keep members posted.

Membership of the board will be for a period of up to three years, with renewal of the term subject to negotiation. Within the terms of reference, the board may advise on the allocation of 70 per cent of the funds for research. Within the Fisheries Research and Development Fund the first task of the board will be to prepare a five year research and development plan identifying the priority research areas and setting guidelines and objectives of the board and giving consideration to the Department of Fisheries research proposals.

MAINTENANCE OF SCHOOL BUILDINGS

Mr BRINDAL (Hayward): My question is directed to the Minister of Housing and Construction. In view of the huge backlog in maintenance and replacement of school buildings identified in last week's report presented by the Economic and Finance Committee, will the Minister endorse the willingness of students, parents, the unemployed and people on community service orders to assist schools in repair and maintenance work and ensure that union efforts to prevent this support being given to our schools are not successful?

In the wake of last week's revelation that there is a backlog of replacement work on school buildings of about $230 million, an item on the *7.30 Report* demonstrated the willingness of those people outlined above to assist schools on an unpaid basis to undertake maintenance work such as painting and repairs to improve facilities for students. The program highlighted the benefits of this support to the Salisbury High School as one example where buildings have become seriously run down because of lack of funds. However, on last night's *7.30 Report* the Secretary of the National Workers Union, Mr George Apap, announced union action which will prevent this support being given to our schools at this time of financial crisis.

The Hon. FRANK BLEVINS: I thank the honourable member for his very important question, which involves a very important principle. I am pleased that the Opposition recognises the worth of the community service order scheme, which has been an excellent scheme. By way of preface to my answer, I point out that there are approximately three times as many people on community service orders as there are in our prisons. I think that that indicates the way the courts are using the scheme and the way the Department of Correctional Services organises it.

Mr Hamilton: How many hours?

The Hon. FRANK BLEVINS: It is approaching a million. Can I just outline the procedures. A particular group or individual who requires some work to be done will approach the Department of Correctional Services. All regions of the State have committees comprised of various local people

and a representative of the Trades and Labor Council who plays a very important role, as does the representative of the employers on the central committee, and that role is to ensure that both businesses and workers are not usurped by people on community service orders doing their work or taking away their profits.

I can assure the House that not only trade unionists get cross if work that otherwise would be done by paid labour with an employer is done by people on community service orders. Whilst I support the scheme, I believe that employees and employers who have done no wrong should not be penalised by employment and profit being taken away from them and given to people on community service orders. At times it is very difficult for the committees to find the correct balance—very difficult indeed. It is even more difficult within the prison itself.

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: That is one of the problems with prison industries. Interstate they are not as particular about these issues as we are, and we have had South Australian firms damaged by products coming to this State that have been made in interstate prisons by extraordinarily cheap labour. So, it is a very touchy problem. I am very pleased that the way it has been handled by the committees to date has been exemplary. No employer or employee has been disadvantaged. When we get to the question of schools, I agree with the committees: I do not believe that it is appropriate for people on community service orders to be taking away work that ought to be done by contractors.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: We are not talking about parents. I am not the Minister of parents, I am the Minister of Correctional Services.

An honourable member interjecting:

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

The Hon. FRANK BLEVINS: I am talking about my portfolio area. If the honourable member who asked the question does not understand that various activities are allocated to various Ministers, it is time he did. The proper person to ask about the community service order scheme is the Minister of Correctional Services. I am trying to help the honourable member. I am absolutely convinced that the community service order scheme will not survive and will not continue to be the success it is if it starts interfering in projects that ought to be done by contractors or subcontractors, and I commend the committee for just keeping that line tight whilst using commonsense. The question in respect of parents is entirely different and does not come under my portfolio. If the honourable member wants an answer to that, he should ask another Minister.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

The Hon. T.H. HEMMINGS (Napier): The headline in last week's Messenger *News Review* was 'North gets political muscle at last.' The body of the article contained a statement by the member for Hartley, as follows:

> I think the northern suburbs want to finally hear they have some political clout.

Naturally I was outraged over that statement. Quite clearly it implied that, in the 15 years I have represented Napier in this Parliament, I have done nothing whatsoever and have been an ineffectual member. I challenged the member for Hartley over this on Wednesday night and at first he said that the statement had been taken out of context. I pointed out that the whole article was about getting funding for the north, and no-one in their wildest imagination could say that it was out of context.

The member for Hartley then shifted ground and had the audacity to say that the journalist had got it all wrong; in fact, the journalist had made it up and that he had never said it at all. As far as the member for Hartley is concerned, it seems as if the grains of truth move more quickly than do the grains of sand in the Gobi Desert. I happen to know the journalist in question, Ms Nina Stevens, and know that she is a person of the highest integrity. I might not happen to like some of the things she writes, but at least she writes fact and not fiction. I checked the member for Hartley's version with the journalist and, surprise, surprise, the journalist confirmed that the member for Hartley had said, 'I think the northern suburbs want to finally hear they have some political clout'. She had written it in her notebook and read it back to me on the day I telephoned her.

I ask: why are we having these attacks on me? I venture to say it is because the member for Hartley needs to attempt to destroy my credibility and integrity in the community because I am supporting the Labor Party candidate, Annette Hurley. When challenged on the matter, the member for Hartley was quite happy to attack and question the integrity of the journalist concerned. The political clout referred to by the member for Hartley is nothing more than extortion. If a member of the public in Elizabeth or Munno Para went into a delicatessen and said, 'You supply me with goods without payment or I will wreck your shop and shut you down', quite rightly that person would be arrested, charged with extortion and gaoled.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: There is no difference here. The member for Hartley is saying to the Bannon Government, 'You supply funding or else I will vote with the Liberal Party and bring down your Government'. That is plain out and out extortion, and I charge the member for Hartley with that crime. Why did not the member for Hartley use that political clout or extortion when he had the seat of Morphett and lost it for the Labor Party? Why did he not use those tactics when, in the space of seven years, he has reduced the seat of Hartley from a safe Labor seat to that of a marginal seat? Only the member for Hartley can tell us that. In the community I represent there are members of the Liberal Party who I know and call my friends. They would not vote for me in a fit, yet they know me to be a truthful person and one who lives by a set of values that they respect. They know that what they see is what they get. Along with others, I have to work hard for—

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: —what we can achieve for our electorates. We cannot resort to blackmail or extortion. However, it seems that the member for Hartley has rewritten the rules. Extortion is the name of the game as far as the member for Hartley is concerned. He does not care about those people. The extortion is just to guarantee his chances of re-election. I have got news for the member for Hartley. If that is the case, I will rewrite my rules. Every time he attacks my integrity and my credibility I will expose him for what he is.

Mr BECKER (Hanson): On 4 November 1991 a constituent of mine, Mr Bruce Yates, wrote to the Presiding Officer of the South Australian Privacy Committee concerning files held by the Department for Family and Community Services. His letter states:

> The files relate to the department's treatment of my daughter Zoe and my son Angus in the period of time subsequent to the completion of evidence in a Family Court trial in December 1986, at which time both children were the subjects of interim in need of care orders from the Children's Court arising from an alleged notification of sexual abuse until October 1987 when the department claimed that a second notification of sexual abuse had been received.
>
> The first notification in November 1985 had resulted in a charge of indecent assault against [my constituent] being dismissed at committal and the department obtaining an interim in need of care order in the Children's Court, thereby frustrating orders from the Family Court for access for both the children's grandfather and [my constituent]. The department then joined as a party to proceedings in an action for access and custody in the Family Court. That action resulted in a judgment from Justice Burton in June 1987 exonerating [my constituent] of any sexual impropriety. He subsequently restored access and ordered that the department pay the majority of costs—

which I understand were $16 000 or $17 000—

> an order that the Minister appealed and lost. The Full Court of the Family Court repeatedly described the department's actions as incompetent, noted that the Welfare Act had not been complied with and there had been no notification. The Full Court found that had the Minister had his way in seeking to keep secret the name of the alleged informant, one Caroline Woodman, subsequently employed by the department, an important piece of information would have been denied both [my constituent] and [his] wife, who said she had not known the source of the notification.

I bring this to the attention of the House because I believe that Mr Bruce Yates has been badly treated by the Department for Family and Community Services, so much so that I believe he has been victimised. He spent something in the vicinity of $70 000 to defend his name and reputation against false allegations pursued by the Family and Community Services Department.

The Legislative Council had a Select Committee on Child Protection Policies, Practices and Procedures in South Australia. On page 684 of the evidence, the Hon. John Burdett asked this question:

> Bruce Yates recently gave evidence which is in the transcript and available for you to read. Bruce Yates and others have complained about the methods used in questioning children where child abuse was suspected. The courts have also criticised departmental methods. Has that criticism been taken on board and have methods changed?

The Director of the Department for Family and Community Services (Ms Sue Vardon) replied:

> We have certainly analysed all court judgments about various cases. We deal with the practical issues raised in each judgment. The Yates matter is interesting because in many ways people made generalisations which I believe were not necessarily true. The matter was very complicated and poorly handled by us in the courts. One of our problems in the early days was that there was very poor medical assessment. I am pleased about the improvement in the quality of medical assessment. In the early days we only had the Sexual Assault Referral Centre. It did a magnificent job, but the range of medical treatments or medical assessments available now is much more sophisticated. The mistake we made with Yates is that we did not pursue the matter that we had. The matter that we had was emotional abuse, and the sexual abuse thing became a red herring to the extent that it became a *cause celebre*. It was never an actual issue for the department.

That was an admission by the Director of the department that Bruce Yates was harassed and hounded unfairly and unjustly by that department. There is no other action to be taken but for the Government to institute an independent inquiry into the way in which Bruce Yates and his two children have been handled and treated by the Department for Family and Community Services.

The Hon. J.P. TRAINER (Walsh): I would like to draw to the attention of the House that the current non-Party line vote which we will have on the poker machines legislation highlights a latent political issue that we must address. Some people in our community believe that all votes should be free of Party lines and that we should, in effect, abolish our two strong political Parties. Those who are critical of political Parties voting *en bloc* should be aware of one of the disadvantages of all members having what we call a free vote on every issue, as is the case in the United States, where the Legislature does not constitute a Government as well as a Parliament.

In 1988 I had the pleasure of visiting the State Legislatures of Georgia, Florida, Virginia, Alabama, Louisiana and Tennessee, and I was privileged to address the last three, their being in session. The first one I visited was the Legislature of Alabama. I called on the Speaker at about 1.45 p.m. and he said that—

The Hon. T.H. Hemmings interjecting:

The Hon. J.P. TRAINER: A regional CPA delegate would be a very interesting position, I am sure. The Speaker asked me to join him in the Chamber for the 2 o'clock start. As we left his rooms to head for the Chamber, I was most impressed by the fawning courtesy he received from 100, perhaps 200, men in suits who were standing in the corridor and who greeted him with, 'Good afternoon to you, Mr Speaker'; 'How is the family?'; 'Can I have a word with you later, Mr Speaker?'; 'You are looking well, Mr Speaker'; and so on. I thought, 'What a polite Legislature it is in Alabama.' I was very impressed by these courteous Southern gentlemen whom we met in the corridors.

As there were so many, I assumed that there must be a rule for the Legislature whereby members did not enter the Chamber until after the Speaker had done so but, as we entered the Chamber (and I was directed to sit in front of Mr Speaker), I noticed that the Chamber was already full of chattering members of the Legislature, who dutifully ignored the Speaker. Not a single member was in his or her seat: they walked around talking, chewing gum, smoking cigars, and drinking from cans of coke and from glasses of whisky. Indeed, I noticed that many had on their desks Ronald Reagan-style glass jars of jellybeans, and one member was wandering around blowing bubblegum. After a while the Speaker called order, and the session began about 20 minutes late—well beyond the scheduled time. They apparently started only when what the Speaker considered to be a reasonable number of the boisterous members had sat in their place. The actual members were those who made up the boisterous group in the Chamber: the throng outside comprised not members of the Legislature but lobbyists associated with the State Legislature.

I found there was a large group of lobbyists associated with every State Legislature I visited, as well as the United States Congress in Washington. Indeed, the lobbyists seemed so numerous that in Tennessee I asked, 'Just how many of these lobbyists are there?' I was informed that there were 1 100 registered political lobbyists in the State of Tennessee. On a pro rata basis—since this practice seems to apply to every one of the 50 State Legislatures and the United States Congress—there are perhaps 50 000 or 100 000 paid political lobbyists as part of the political process, to which they must add billions of dollars in additional political costs.

We do have political lobbyists in Australia at the Federal level but very few so far at the State level, mainly because the political Parties in this country coordinate the various pressures of political interest groups and balance them out against each other whereas, in the American system, where there are very few votes on Party lines, every member of

the Legislature is subject to individual political lobbying to a great extent. I thank the member for Henley Beach for pointing this out to me, but I was already aware of it: many of us have indeed been lobbied by interest groups connected with the current poker machines legislation, and I believe that that highlights this issue I am putting before you and the possible need for a register of political lobbyists in South Australia.

The majority of companies and peak organisations do not use political lobbyists, because they have their own employees to conduct that sort of business, but I believe that political lobby work will increase in the years to come. I am already aware of quite a few political lobbyists in South Australia—and I am talking about political lobbyists, not just public relations companies, although I know that some of them, such as that run by John Field, are particularly competent. The time may soon arrive when we will need to establish a register of political lobbyists for this Parliament, and I suggest that you, Sir, give this subject particular consideration.

The Hon. H. ALLISON (Mount Gambier): I rise to speak about the closure of the Blue Lake passenger rail service between Adelaide and Mount Gambier. First, I wish to protest in great disgust at the offhanded and disdainful manner in which the people of the South-East were not informed but only learned of the intended closure of the service by having to read three brief paragraphs in the Adelaide press with none of the South-East media—radio, television or the printed media—apparently having received any formal indication from AN, the Federal Minister for Land Transport or the State Minister.

The announcement appears to have been made by way of an internal memo dated 17 March, simply advising that the Federal Minister for Land Transport, Hon. Bob Brown, had given formal approval to terminate the Blue Lake passenger rail service operating between Adelaide and Mount Gambier. I also question the right of either the Federal Minister or the South Australian Government—the Premier and his Minister of Transport—to take such action to terminate that rail service.

Let us look at the 1975 legislation—legislation which I opposed on the ground of the possible long-term adverse impact upon the people of the South-East. That was the subject of my maiden speech in this House in 1975. The determination made by Arbitrator Newton last year was that the Commonwealth may not terminate the Blue Lake passenger service between Adelaide and Mount Gambier. Clause 9 (1) of the Railways Transfer Agreement, dated 1 May 1975, between the Commonwealth of Australia and the State of South Australia, states:

> The Australian Minister will obtain the prior agreement of the State Minister to—
>
> *(a)* any proposal for the closure of a railway line of the non-metropolitan railways; or
>
> *(b)* the reduction in the level of effectively demanded services on the non-metropolitan railways,
>
> and failing agreement on any of these matters the dispute shall be determined by arbitration.

At page 2 of his determination, the Arbitrator mentioned that the terms of reference given to him and signed by the Commonwealth Minister on 30 April 1991 and the South Australian Minister on 31 [sic] April 1991 included the following, '(1) The Arbitrator is to determine a dispute between the Commonwealth and the State of South Australia.'

I put forward a very substantial submission of well over 100 pages to the Arbitrator and I also made available my entire documentation—a substantial file—to the South Australian Crown Law Department so that it also could mount an appeal. The Arbitrator, at page 3, says:

> Two submissions were particularly detailed and deserve special acknowledgment, that of Australian National Railways Commission, the operator of the service for the Commonwealth, and that of the Hon. Harold Allison, Mount Gambier member of the South Australian Parliament.

My submission became volume one of the South Australian Crown Law submission and volume two was admirably presented by a Crown Law officer supported by one of the assistant officers, Leonie Paulson. They did excellent work. But what an absolute waste of time if the South Australian Government took hundreds of hours, as I did with members of my staff and family, to collate those submissions and to win the decision of the Arbitrator—Arbitrator Newton handed down his decision firmly in our favour and also listed 14 points with which the Federal Government should comply—and is not going to enforce that decision. I question whether the State Government, in view of the decision made by Arbitrator Newton in accordance with 1975 legislation and with the terms of reference that were given to him, can possibly relinquish its right to enforce that decision. Has the Government sold out for $115 million towards standardisation of the Adelaide to Melbourne line, an amount which we are told is not sufficient for that standardisation procedure? I advise members that I have written to Premier Bannon and to the Federal Minister, Hon. Bob Brown.

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

Mr QUIRKE (Playford): I wish to address a few remarks this afternoon associated with the birth of our third child at the Queen Victoria Hospital, an event that took place at eight minutes past midnight on Sunday the 29th, and to thank all those Health Commission personnel at the Queen Victoria Hospital. From the very beginning of the pregnancy they were of extreme assistance, and my wife and I took the view that, this time, we wanted to go down the public health road. Whilst we had the opportunity of going down the private road, the public road turned out to be a very rewarding experience for both of us.

The staff at the Queen Victoria Hospital—whether they be involved in ante-natal classes, at the reception or at the point of delivery of the regular services that my wife accessed every couple of weeks and, closer to the point of birth, every week, as well as at the delivery itself—were first class, professional and, at every stage, sought to involve both of us in all the decisions that were necessary surrounding the pregnancy and birth. From time to time I have made a number of criticisms of various aspects of the Health Commission, and I wanted to have on the public record that I believe that the Queen Victoria Hospital is a centre of excellence. I look forward to its amalgamation with the Adelaide Children's Hospital into the Adelaide Medical Centre for Women and Children, on the ground that I believe people will take the expertise they have at the Queen Victoria Hospital and broaden their experiences in a whole range of other ways.

I should like to say on behalf of my wife and myself that the service we received at every stage was a credit to that institution. From the time of the very early services until the present time, with my wife still in hospital, no-one could complain at all about the services we received. I should also like to make some remarks today about the event that took place on Saturday night and to make a few apologies. Minister Lenehan asked my wife and me to represent her at the Combined Firearms Council Dinner on Saturday night, and I made the comment—

An honourable member interjecting:

Mr QUIRKE: I'll come to you in a moment. The member for Spence was the first point of call, and I was the second. Members here probably know that I have been a competition target shooter for some 27 years, so I have some interest in that area. I pointed out to the member for Spence and to the Minister that I would go happily, because my wife was due some 10 days before that event and I did not think that there would be any problem.

As the event came closer, I indicated to various people, including the Combined Firearms Council, that I may have had a problem in getting there. In fact, at 4 o'clock on the Saturday afternoon I was breathing a sigh of relief because I thought, 'Nothing's happened to date, so it can't happen tonight.' The first pains came on in the car on the way to the function. We went to the dinner and were there for something like two hours. Her Excellency the Governor and other people kept wondering why I was timing things very closely with my watch. Approximately two-thirds of the way through the dinner, we begged our leave, and I give an apology to those people present.

We went from there straight to the hospital and, two hours later, I was holding Daniel Sean, our third child. That was an example of cutting things very fine, as there was not a lot of time to spare. My wife's great fear at that time was that it would prove to be a false alarm. I can now assure the community that it certainly was not.

Dr ARMITAGE (Adelaide): Today I wish to acknowledge the tremendous amount of work that is provided in my electorate by an organisation which I am confident members on both sides of the House will approve and support—that is, the branch of Meals on Wheels in Prospect. Several months ago I visited the Prospect branch of Meals on Wheels Inc. in Labrina Avenue as part of a program I have of visiting community organisations. I am not sure whether the Prospect Meals on Wheels knew why I was visiting, but it quickly became clear that I was there merely to see how it was going and what support I could offer.

I was immediately impressed by the attitude of the people at this facility. There was an enormous spirit of enterprise and a terrific atmosphere among the workers. There was clear team spirit and everyone had a job, whether that job was organising rosters for drivers, preparing the food or serving it, etc.; everyone knew their job and they were all doing it superbly. When I arrived my sense of smell was titillated by the beautiful aromas coming from inside the facility. I was quite taken by the range of interesting food being prepared.

At the Labrina Avenue branch of Meals on Wheels, there are magnificent facilities with everything possible for preparing large numbers of meals—ovens, refrigerators, work benches and washing areas—all of which were beautifully cleaned. There was also the recent addition of an area for meetings, and this was being well used.

The Prospect Meals on Wheels opened in 1958, and yet in 1992 there are still eight people working there who were there when that branch opened; and another six people are working there who have been there since 1959, a year after it opened.

The honour board, which was presented and made by one of the volunteers, is full of the names of people who have given outstanding service to the community. I am very proud to say that in my electorate there are 17 three-star members of Meals on Wheels (and that means that they have been working there for 30 years or more), 22 two-star members (working as volunteers for Meals on Wheels for 25 years or more), and 22 one-star members (20 years or more of service). That is an outstanding contribution to the community over an enormously long period. I publicly acknowledge the work that Meals on Wheels has done in my electorate over that length of time.

Prospect Meals on Wheels services four routes with drivers and servers, charging $3 a meal. It usually serves between 100 and 110 meals five days a week, with the maximum being 118 meals. Indeed, it has a very varied number of diets, with no meals ever being repeated, and special diets such as those for diabetics and so on are well catered for. It is a very well-known branch of Meals on Wheels, and the 17 millionth meal for Meals on Wheels was delivered from the Prospect branch by the Governor in, I think, 1989 (I think that was when I was still a candidate for the seat of Adelaide). Now, more than 19 million meals have been served to the community by Meals on Wheels.

The Prospect branch has served nearly 600 000 meals, and I congratulate them on that. However, I note that the number of volunteers is decreasing. That is an unfortunate indictment on the willingness of today's people to serve the community, and I hope that a large number of people will take up the challenge of serving the community in this way. If the branch can contribute equally as well to the community in the next 30 years as it has done in the past 30 years, Prospect will be well served.

STATUTES REPEAL (EGG INDUSTRY) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 17 (clause 3)—Leave out 'The' and insert 'Subject to subsection (3), the'.

No. 2. Page 1, (clause 3)—After line 20 insert subclauses as follows:

(3) The land comprised in Certificate of Title Register Book Volume 4001 Folio 234 is vested in the Co-operative if it is incorporated before, or within six months after, the commencement of this Act.

(4) If the Co-operative is not incorporated before the commencement of this Act the land vests in the Minister of Agriculture until the Co-operative is incorporated.

(5) Where the land has vested in the Co-operative under subsection (3), a person who held a licence under the Egg Industry Stabilization Act 1973 immediately before the commencement of this Act may require the Co-operative to pay to him or her an amount that bears the same proportion to the value of the land as the hen quota attached to his or her licence bore to the State hen quota immediately before the commencement of this Act.

(6) An amount to be paid under subsection (5) may be recovered as a debt.

(7) The Valuer-General must value the land as soon as practicable after the commencement of this Act and that value will be taken to be the value of the land for the purposes of subsection (5).

(8) In this section—

'the Co-operative' means a body corporate the principal function, or one of the principal functions, of which is to assist egg producers in the marketing of eggs and which includes amongst its members a majority of the persons who held licences under the Egg Industry Stabilization Act 1973 immediately before the commencement of this Act;

'the land' means the land comprised in Certificate of Title Register Book Volume 4001 Folio 234.

Consideration in Committee.

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendments be disagreed to.

Mr S.J. BAKER: We did expect an explanation from the Minister for moving in that way. Obviously, we are concerned about the assets of the Egg Board. A very coherent argument was put to the House when we last considered this matter about preserving the industry and securing the assets for the benefit of the industry. The Minister has

continually denied that the industry should have available to it the resources it has built up under its own steam. The Minister has refused to allow the industry to use the assets to which it has contributed over a very long period. The Opposition is obviously very disappointed at the Minister's stance, particularly since he has not bothered to explain to the Committee why he is rejecting the amendments.

The Hon. P.B. ARNOLD: The Opposition strongly supports the Legislative Council's amendments. I understand that something like 30 per cent of the actual production probably will not go in to the cooperative and, as such, we believe that the assets of the board should be available on a pro rata basis to each and every producer based on their hen quota. If the amendments are not accepted and the Minister has his way, the assets of the board will go to 70 per cent of the producers. Certainly that would be the vast majority of egg producers but it will not enable those larger producers who decide not to go with the cooperative to have access to any of the assets which they largely created as a result of their large production and large hen quota. The Opposition strongly supports the Legislative Council's amendments.

The Hon. LYNN ARNOLD: I stand by my motion and refer members to the extensive debate that we had on this matter when it was previously discussed in the Chamber. I do not wish to take up the time of the House dealing with this matter at great length.

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: If the honourable member wishes to see debating time, which has been committed to other matters, absorbed on this matter, so be it. The facts have been widely debated already in this place. The arguments that are contained in the spirit of these amendments from another place were canvassed at length in this Chamber and responded to at length by me.

I want to summarise again, since apparently the Deputy Leader's memory is so short that he cannot recall that debate. The issues are these: the Egg Board's assets are made up of a number of items that have been purchased over the years from levies contributed, first, by growers, some of whom are still in the industry but the vast majority of whom are not; and, secondly, by the consumers of South Australia who, as I indicated previously, by paying higher than the national average price for eggs were in fact contributing towards the Egg Board's assets. That indicates to me that we have a very complex situation as to whom the assets return to.

Mention has just been made about the purchasing of quotas. That situation applies post 1973. It does not take account of what has happened with levy payments that have been contributed pre the application of quotas. That situation still affects many growers who have long since left the industry.

The other thing that is overlooked in the assets situation is that it is not simply a matter of the board's only having assets. The board also has liabilities. If in fact members were wanting to suggest that all the liabilities as well as the assets be transferred, there may be a different situation. I suspect that those growers who will not join the cooperative would have a few questions to ask about transferring liabilities to them. They would probably want to suggest that that is not something—

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: The Deputy Leader talks about management issues. Again I refer him to the debate in this place on an earlier occasion when these matters were very fully canvassed. The facts were that, because of the actions of the New South Wales Liberal Government, the South Australian Egg Board and the egg industry in this State were under enormous pressure and, frankly, the Egg Board was bleeding (haemorrhaging is a better word for it). That situation has become unsustainable. To talk about assets in the absence of talking about liabilities is to be myopic.

In fact, the Government is being enormously supportive of what is taking place. We have talked over this matter for a long time, and under the proposals presently before the board—subject to all things falling into place—we are making available a guarantee for working capital. I have indicated previously that the Government stands exposed to a financial loss, already in excess of $1 million and perhaps in excess of $2 million, depending on what happens in the next 12 months or so. If members support the amendments, they are saying it is not sufficient that the taxpayers should have to meet that loss but that they should also have to forgo, without recourse to any payment for net liabilities that there might be, such assets accumulated by a group of people over a large number of years, and that group of people consists of not only growers but also consumers.

Mr Venning interjecting:

The Hon. LYNN ARNOLD: The Government is not some mythical being independent of the people of South Australia. In the final analysis, it is the representative of the people of South Australia, and its consolidated revenue is the consolidated moneys gathered from the taxpayers of South Australia—not from some vague money tree that the Government can access itself. It is the people's money members are talking about. We have a responsibility in that regard. I do not intend to resile from that, unless this Legislature in its two Houses forces otherwise.

Therefore, I repeat: the Government does not propose to accept these amendments. I appreciate that there is an urgency in the matter, but I will not see a situation where, on the one hand, the taxpayers are put at greater risk whilst, on the other hand, we are still asked to put more taxpayers' money at risk to help the working capital situation of the new cooperative. You just cannot have it both ways. If in the final analysis the other place insists on its amendments, naturally we will be forced into a conference situation. It comes down to just how much exposure we allow the taxpayers to wear on this matter. That is the stand that I, as a Minister and member of the Government on behalf of the people of South Australia, believe I am obliged to support. We could debate this matter for a considerable time, but I know that other matters are before the House. I stand by the comment that the amendments be disagreed to.

The Committee divided on the motion:

Ayes (22)—Messrs L.M.F. Arnold (teller), Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (20)—Messrs Allison, Armitage, P.B. Arnold (teller), D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Pair—Aye—Mr Klunder. No—Mr Gunn.

Majority of 2 for the Ayes.

Motion thus carried.

SELECT COMMITTEE ON THE STATE GOVERNMENT INSURANCE COMMISSION BILL

The Hon. FRANK BLEVINS (Minister of Finance): I move:

That the time for bringing up the report be extended until Tuesday 7 April.

Motion carried.

GAMING MACHINES BILL

In Committee.

(Continued from 25 March. Page 3655.)

Clause 4—'Application of this Act.'

The Hon. FRANK BLEVINS: I move:

Page 2, after line 37—Insert new subclause as follows:

(3) Subject to any other provision of this Act to the contrary, this Act binds the Crown.

It would be very unlikely that the Crown would want to be involved in running poker machines. Who knows, they might be put into Parliament House. However, in the unlikely event that that would happen, it is appropriate that the legislation binds the Crown.

Mr S.J. BAKER: I am pleased that the Minister has taken that decision. The hospitality section of TAFE runs a hotel in Adelaide and, if poker machines are to be permitted in South Australia, training regarding poker machines will be necessary. As a result, the Crown should be bound in such circumstances. It is an infinitely wise decision that the Minister has taken and it has occurred in response to the report issued by the Police Commissioner that this is one of the deficiencies of the Bill.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—'Conduct of proceedings.'

Mr S.J. BAKER: Why does this clause provide that the Commissioner must act without undue formality? What is the effect of the double negative? The Minister would be well aware of what happens in the Industrial Commission, particularly in relation to section 31 and unfair dismissals. Often points of legality are involved in some of these investigations and I hope that we do not impede the Commissioner in any way from pursuing the legal arguments as well as the factual arguments. Paragraph *(a)*, which says that the Commissioner must act without undue formality, is a bit strange because each Commissioner will have his or her own way of adopting procedures and conducting himself or herself. Paragraph *(b)* provides that he is not bound by the rules of evidence. I am also a little unsure of that measure given that some of the matters may be criminal and in breach of the legislation. I would have thought that the rules of evidence would play a part in the Commissioner's deliberations.

The Hon. FRANK BLEVINS: The provision mirrors a section in the Liquor Licensing Act. My understanding is that it is a commonsense provision, that both the Commissioner and the industry have found very workable. I have heard no complaints from the industry about it. As regards investigating criminal matters, that is a matter for the police and I am sure that the police will do everything correctly as regards the law and investigations or otherwise where evidence would be taken that may be tested in court. Obviously the police have their procedures and would adhere to them. It is a commonsense provision. However, if the industry feels that the provision jeopardises it in any way or if the Liquor Licensing Commissioner feels that the provision hinders his investigations, I am willing to have a look at it. In the absence of any complaint and given the deal of commendation it has had, I think it is appropriate. We are not setting this legislation in concrete. We amend Acts on a daily basis; we would be pretty well out of work if we did not. We can always re-visit these provisions if we find that they are a problem.

Clause passed.

Clause 8—'Representation.'

Mr GROOM: I move:

Page 4—

Line 11—After 'may' insert 'also',

Lines 11 and 12—After 'Commissioner' insert 'to which he or she is a party'.

This arises from the Police Commissioner's report in relation to the Bill. In dealing with clause 8 (2), he said:

I can envisage circumstances in which I would wish to be represented by counsel before these proceedings. It is not clear to me that I may do so because I am not sure that I would be a party to the proceedings.

The existing clause says that he may be represented in proceedings before the Liquor Licensing Commission by a member of the Police Force. This amendment is simply a point of clarification that he is party to the proceedings and will have the corollary that he can be represented by a member of the Police Force or by counsel.

Mr S.J. BAKER: I am not sure that the amendment does what the member for Hartley suggests. It still leaves a police officer as the representative of the Police Commissioner. Will the Minister give an undertaking on the right of the Police Commissioner to be represented by counsel when the need arises?

The Hon. FRANK BLEVINS: In response to the Deputy Leader, my answer is, 'Absolutely'. I have some difficulty with this amendment and perhaps I was remiss in not speaking with the member for Hartley prior to its coming before the Committee. My advice is that it appears to restrict the Police Commissioner's right to appear on any matters. It appears to be more restrictive than his right under the Liquor Licensing Act. It appears to restrict the Commissioner to formal intervention. That is an interpretation of the amendment that has been given to me. It may well be that the member for Hartley has a different interpretation. I hate being in the middle of lawyers when they are debating these things. I would rather they did it directly. I will oppose the amendment in an abundance of caution, but we would be happy to recommit the clause after discussions have been held.

Mr GROOM: It is a clarification and I took it up with Parliamentary Counsel. It is in the Police Commissioner's report. Subclause (1) answers the Deputy Leader of the Opposition's queries because, once you are a party to the proceedings, you can appear by counsel. Therefore all that was needed in subclause (2) was clarification that the Police Commissioner was not restricted in proceedings to representation by a member of the Police Force, that by adding those words makes it quite plain that the Commissioner of Police has a choice between representation by counsel in clause 8 (1) because he would be a party to proceedings and in clause 8 (2) because he would be represented by a member of the Police Force if he chose.

I am in the Minister's hands. If the Minister opposes it and is prepared to reconsider it, I do not want to prolong the debate. I make the point only that it is quite clearly the legal advice that was given to the Commissioner of Police. It was prepared for him and does not restrict him. It makes it quite plain that he can be represented by counsel or a party and, similarly, clause 13, which comes after it, is based on the same argument.

The Hon. FRANK BLEVINS: My advice is that it is restrictive. It restricts the Commissioner of Police to intervention. It allows the Commissioner of Police to only intervene when he becomes a party. We want it much broader than that and, accordingly, the Bill permits the Commissioner of Police to intervene on any matter and make any submission, whether or not he is a party. Therefore, as I say, if we defeat the amendments, I will be very happy, because I do not want to be restrictive to the Commissioner of Police in any way. I believe that we have given the Commissioner of Police the broadest possible powers to intervene and make representation, either in his own right or through counsel, and I would not want anything to restrict that. I believe that further discussion may clarify this and, again, I would have no objection to the clause being reconsidered.

Mr GROOM: I actually discussed the issue with the parliamentary draftsman in relation to intervention, because I was mindful of the industrial jurisdiction, where there is a distinction between intervention and being a party to the proceedings, and I was assured that this was not restrictive, and I certainly picked it up from the Police Commissioner's own request. It is a matter of interpretation. In view of what the Minister said, I am quite happy to defer to him, because I do not want to be restrictive. In fact, I intend to ensure that the Police Commissioner has the widest ambit, so if there is any confusion—although I have checked it out—I will defer to the Minister's suggestion and allow the matter to lapse in favour of the Minister examining it. That will also be the situation in relation to clause 13.

The CHAIRMAN: I remind all honourable members that they are arguing their points here in the first person and not in relation to advice from others.

The Hon. FRANK BLEVINS: I agree, Sir, but it is always difficult. I think it is sensible to say 'I am advised' when that just happens to be the truth. I would not try to kid the Committee; nor would the Committee be kidded. I understand your point, Mr Chairman, but when I say that I am advised and when the member for Hartley says that he is advised, I believe we are actually talking about the same adviser, so there is obviously some confusion, which I am sure can be cleared up.

Amendments negatived; clause passed.

Clause 9—'Power to disclose information to certain authorities.'

Mr S.J. BAKER: We received the submission from the Police Commissioner, and he raised the issue about other police forces, the National Crime Authority, the Queensland Criminal Justice Commission and the New South Wales Independent Commission Against Corruption. I presume that those are adequately covered under this clause and that the Minister would recognise them as such?

The Hon. FRANK BLEVINS: Certainly.

Mr S.J. BAKER: Clause 9 *(b)* provides:

> ... any other authorities that may require the information for the purpose of discharging duties of a public nature.

I know that the law works in very strange ways, but I would have thought that it should read 'that require the information' and not 'that may require the information'. I do not know what level of volunteerism will come with this process. I have some concerns about the amount of information that will float across Australia on the basis that it may or may not be helpful to various jurisdictions and who in fact will be affected in that process. I ask for some clarification from the Minister.

The Hon. FRANK BLEVINS: I understand that information will be passed to any responsible authority that requests it, whether it be the Taxation Department or any other proper body that has a legitimate interest. We do not see that as restricting in any way the flow of information—quite the reverse.

Clause passed.

Clause 10—'Appointment of inspectors.'

Mr OSWALD: I received a late submission from the Adelaide Central Mission, raising several questions in relation to the Bill. It is concerned about the number of inspectors who will be appointed. It points out that there could be three scenarios in clubs and hotels which could bring about under-age drinking problems. One scenario is at a disco held at a hotel. At some time during the disco, which can attract under-age patrons, those patrons could then drift off into the gaming area. It also refers to sporting events at some clubs, where under-aged people could be present and also drift out into the gaming area undetected. It also mentions other occasions but, basically, its question is: to what extent does the Government intend using inspectors? The Bill refers to such numbers of inspectors as are necessary. I gather that in New South Wales only a very limited number of inspectors were appointed. In fact, they could not cover all the clubs and hotels, and it was left to the police. What is envisaged in South Australia regarding the numbers of inspectors, or will the Minister rely on the police to do most of that work?

The Hon. FRANK BLEVINS: I am very much in favour of police enforcement, as is used for the enforcement of all Acts. Each club and hotel will have to demonstrate to the Liquor Licensing Commissioner that they are complying with the Act, which is pretty strict with respect to the question of minors. I have never heard of the Liquor Licensing Commissioner shirking his duties in that area. I think it is very important that clubs and hotels police themselves because, if minors are caught or found in areas where they ought not to be, I can assure them that the full force of the measure will come down on them, and they risk losing their licence.

As you know, Mr Chairman, I have a very strong view about clubs and hotels serving liquor to people who are underage. The strongest possible action will be taken against clubs and hotels that allow—through not taking proper care—minors into these areas. I am sure the Police Force will assist us in that regard.

As regards the number of inspectors that the Liquor Licensing Commissioner will have, at this stage I cannot give a definitive answer, but it will be as many as are appropriate. My guess is that local members may be contacted by clubs and hotels because the Liquor Licensing Commissioner and the police are being too strict. They have no need to contact me, because I do not believe that in this area we can be too strict. I was brought up in an area where no minor was allowed on licensed premises at any time in any circumstances. Whilst that is not the practice in Australia, I think that view has a great deal to commend it.

Mr S.G. EVANS: When I read the clause I thought it related more to inspectors of poker machines and that it was more in line with policing those operations and not so much the Licensing Act. The Licensing Act is for the Licensing Court. I went to a year 10 performance in a local theatre about 18 months ago. Afterwards I went to the local inn with a couple of other people and three of the students came in and ordered a bottle of whisky. The lady hotelier asked them to sign a form saying that they were over 18. They refused, because they realised that people there knew their ages. I think that hotels and licensed clubs will now have greater responsibility.

Departing from the clause a little, I think that one of our big problems is that we allow these confounded disco-type

places or nightclubs to open until all hours of the morning. The sooner we tighten up on that, the fewer young people we shall find roaming around with some form of drug, whether alcohol or any other, until all hours of the morning. It may be that a future Parliament will tighten up the law and say that, if they break the law in this area or give us too much trouble, we will shut them up at 11 p.m. or midnight. Consequently, we might have fewer problems.

Clause passed.

Clauses 11 and 12 passed.

Clause 13—'Representation before the authority.'

Mr GROOM: I move:

Page 6, line 25—
After 'may' insert 'also'.
After 'authority' insert 'to which he or she is a party'.

As we have had the debate on clause 3, I do not have anything further to add in relation to this.

The Hon. FRANK BLEVINS: I oppose this amendment. If the Committee agrees with me, I can assure the member for Hartley that the principle is the same as in the previous debate, and the same assurances will apply.

Amendments negatived; clause passed.

New part 2a—'The gaming machine monitor licence.'

Mr GROOM: I move:

Page 6, after clause 13—Insert new part as follows:

PART 2a

THE GAMING MACHINE MONITOR LICENCE

Lotteries Commission to hold monitor licence

13a. (1) The authority will grant a gaming machine monitor licence to the Lotteries Commission subject to such conditions as the authority thinks fit and specifies in the licence.

(2) There will be only one gaming machine monitor licence.

(3) The gaming machine monitor licence authorises the licensee to provide and operate, subject to and in accordance with the conditions of the licence, a computer-based system for monitoring the operation of all gaming machines operated pursuant to gaming machine licences under this Act.

(4) The authority may, by notice in writing to the licensee, revoke or vary the conditions of the gaming machine monitor licence, or impose further conditions on the licence.

I do not raise any argument, because we debated this issue when I sought to include the definition of 'Lotteries Commission' under clause 3.

The Hon. FRANK BLEVINS: The debate has been extensive. I oppose the amendment.

New part negatived.

Clause 14—'Licence classes.'

Mr S.J. BAKER: I note that in clause 7 (2) of the Victorian legislation there is a provision that machines can be manufactured for use outside the State. I see no similar provision here. I also note that clause 8 of the Victorian legislation provides for the holding of a machine or the possession of a machine for the purposes of testing, research or development. There is no such provision in this legislation. Clause 9 of the Victorian legislation provides that restricted machines may not be accessible to the public. That is an interesting provision and is as follows:

> The owner or occupier of premises, other than a private dwelling, must not permit a restricted machine to remain in a place on or near the premises where it is accessible to a person other than the owner or occupier or a person employed to work on the premises.

There is also a prosecution clause. Further, there is also a seizure provision, which again is missing from this legislation. Clause 83 of the Victorian legislation deals with the malfunction of machines. None of those issues is canvassed in this legislation and I should have thought that was appropriate. However, I await the Minister's advice on each of those issues and how they will be catered for either by amendment or regulation.

The Hon. FRANK BLEVINS: I will get back to the Deputy Leader on those questions very soon.

Mr S.J. BAKER: I will supply the Minister with a list of the relevant sections in the Victorian legislation so that we can obtain a response before the Bill goes to the other place. I am happy with the Minister's assurance that that will be the case.

Clause passed.

Clause 15—'Eligibility criteria.'

Mr GROOM: I move:

Page 7, after line 15—Insert new paragraph as follows:
(e) any body corporate.

I will be brief, because I have argued this issue during the second reading debate. This amendment breaks the nexus between the requirement to hold a liquor licence and to have poker machines, and enables any body corporate to make an application whether or not it has a liquor licence. Whether it succeeds is entirely up to the determining body, so this does not necessarily mean that it will succeed.

My argument is a question of logic: why should poker machines be tied simply to liquor? Why should a body corporate such as a senior citizens group which does not have a liquor licence but which nevertheless wants to have poker machines because it has bingo and every other form of gambling be denied the right at least to apply? Of course, it would need to meet the same sorts of standards that the Licensing Commissioner would set in relation to licensed premises.

It would need to ensure that the area is protected so that minors do not have access to gaming machines. Obviously, the Licensing Commissioner would impose very strict standards. I stress that it does not mean open slather, that any body corporate will get a licence: all it does is preserve the right, with very stringent safeguards. I should not like to see poker machines on every corner, so to speak. This merely breaks the nexus between liquor and gambling, and gives a body corporate such as a senior citizens club, in particular, the right to make an application.

The Hon. FRANK BLEVINS: I have a great deal of sympathy for this amendment and think that the logic of the member for Hartley is impeccable. However, I oppose the amendment, because I am a realist. Probably at some time in the future there will be scope for institutions such as those mentioned by the member for Hartley to have poker machines. I do not believe that this is the right time. I believe that we ought to gain a bit of experience under our belt with the operation of poker machines in this State.

The member for Hartley suggests that any body corporate can apply but not all may succeed. I am not quite sure what the criteria will be for the winners and losers, and it seems to me that, if it is a body corporate, if the premises are acceptable, everyone is a winner. I cannot see how any body corporate could be excluded unless it were totally undesirable and wanted to set up on the footpath. Perhaps the newsagents on the footpaths around the place are bodies corporate.

This requires a deal more thought, although I believe the member for Hartley is on the right track. All our views are, of course, personal views, but I think that he is on the right track. If the honourable member does a bit more work on what the criteria would be, I would be very sympathetic to an amending Bill at some stage in the future.

Mr GROOM: I accept the Minister's explanation and am very grateful for the way in which he has presented it. I think that his are commonsense arguments.

Mr S.J. BAKER: I adamantly oppose the measure, and not only from the point of view that we must work out how the system will turn out in practice in controllable situations such as licensed premises, where there is something on the end. If there is a failure to perform, the cost

will be quite substantial, including, eventually, the loss of a liquor licence, but in many of these other cases we cannot control that situation. If the member for Hartley had been true to his cause, he would have wiped out all the subclauses and just inserted 'any body corporate' in the provision.

Having said that, I do have some sympathy for the provision that tries to put a level of relative importance on the conduct of gaming compared with the other business being carried on in those premises, but I am not sure that this is the right amendment.

Mr S.G. EVANS: I want to refer to the different forms of licence and the licensees who may be able to operate the machines. There has been a fair bit of communication to some of us about charities. I hope that our charities will put their heads together in different groups and establish their own licensed premises where they have not only dining facilities but also these machines so that they gain the benefit of the return from these machines.

If Southern Cross Homes in Sydney can run one, for example, there is no reason why a group of charities could not put their heads together and operate quite successfully with a reasonable return. Some charities, because of a moral philosophy, might not do that, although many would. Some run quite large raffles. I hope that they look at that with all sincerity.

When the Minister talks of a general facility licence, temporary or otherwise, I take it that that means it will be possible for a person to get a licence for liquor through a hotel, to have some form of charity or sporting club or other fund-raiser in a building, and then to have poker machines for that operation. I am not sure what is meant by 'general facility'.

We know that the machines have to be on a line back to the control point of the Independent Gaming Corporation, but what is a general facility licence, temporary or otherwise? 'Temporary' has me a little concerned.

The Hon. FRANK BLEVINS: I think the fears of the member for Davenport are unfounded. The general facility licence is a range of licences largely granted for a specific purpose. I can cite the example of a restaurant that has a general facility licence. It would not be granted a licence for poker machines, because it would be inappropriate and incompatible with its reason for asking for a general facility licence. If it asked for a general facility licence because it is a restaurant, it cannot suddenly turn round and say, 'I want poker machines attached to my general facility licence.' That is a different operation altogether: it would need another kind of licence and it could apply in the normal way to see how it goes. I think that the honourable member's fears are unfounded. It is tricky, and something we will be watching, because it is not intended under this Bill that those premises be allowed to run poker machines. They are not hotels and they are not clubs: essentially, they are restaurants.

Mr S.G. EVANS: I take from that that the Minister is saying that he will look at this further and, before it goes through the final stages of passing, if that occurs, he may look at some further definition if need be.

The Hon. FRANK BLEVINS: No, what I will do is to get in writing the reasons why I believe no further look is required. The position will be very clear: my written explanation will be much clearer than my verbal explanation.

Amendment negatived.

Progress reported; Committee to sit again.

RACING (INTERSTATE TOTALIZATOR POOLING) AMENDMENT BILL

The Hon. M.K. MAYES (Minister of Recreation and Sport) obtained leave and introduced a Bill for an Act to amend the Racing Act 1976. Read a first time.

The Hon. M.K. MAYES: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill proposes amendments to the Racing Act 1976 to permit the South Australian Totalizator Agency Board to amalgamate its win and place totalizator pools with those of the Victorian TAB.

The Victorian TAB win and place totalizator pools currently include equivalent pools from the Australian Capital Territory, Northern Territory and Tasmanian TABs. It is also understood the West Australian TAB will be invited to join this group.

The amalgamation of win and place pools with the Victorian TAB is considered to be a significant initiative which, if introduced, will prove beneficial to both the racing industry and State Government.

The amalgamation of South Australian TAB win and place pools with the Victorian TAB offers a number of advantages including:

Some turnover currently invested interstate by South Australians would be invested locally because of the larger pools.

Larger pools would be conducive to larger investments being placed on the South Australian TAB. They would also encourage clients who are not betting at all, or betting with other sources such as illegal bookmakers, to invest with the South Australian TAB.

It is also considered the amalgamation of win and place pools with the Victorian TAB will result in a significant increase in turnover and resultant profit to the racing industry and State Government. When the Australian Capital Territory TAB amalgamated win and place pools with the Victorian TAB, the ACT TAB advised that in the first year of linked pools, ACT TAB total turnover increased by nearly 25 per cent and when Tasmanian TAB amalgamated their win and place pools with the Victorian TAB, turnover increased by 14 per cent.

A statutory deduction of 15 per cent for win and place totalizator pools presently applies in Victoria. However, on 18 February 1992, the Victorian Minister for Sport and Recreation, Neil Trezise announced that he was considering reducing Victoria's rate of deduction on the above pools from 15 per cent to 14 per cent. South Australia's rate of deduction is currently 14.5 per cent for these types of investments. New South Wales, which currently holds 42 per cent of the national pools for win and place, has a rate of deduction of 14 per cent.

To alleviate the necessity to amend the South Australian legislation for statutory deductions applicable to win and place totalizator investments, should Victoria's rate be subsequently amended, the Bill proposes that the rate applicable shall be the rate applied in Victoria providing it is between 14 per cent and 15 per cent. Should the Victorian rate of deduction, in future years, fall outside the 14-15 per cent range then South Australia will no longer continue to combine its win and place pools with Victoria, unless the Racing Act is amended accordingly. If the Act is not so amended, the South Australian TAB will revert to the present situation of calculating dividends from its own investments. The rate of deduction for those investments will be 14 per cent.

It is considered that the levels of increase in turnover, based on a 14 per cent rate of deduction, will be greater than the increase if there was a 15 per cent rate of deduction. This consideration is based on the fact that an improved competitive advantage would exist and that higher dividend returns will lead to greater reinvestments.

For the 1991-92 financial year, it is estimated that total TAB turnover will be close to $500 million. The following table, using $500 million as a base, shows the estimated range of increases in turnover and resultant profit. Profit will continue to be shared equally between the Government and racing industry.

Estimated % Increase on TAB Turnover	Resultant Increase in Turnover $	Estimated Increase in Distributable Profit 14% Statutory Deduction $	Estimated Increase in Distributable Profit 15% Statutory Deduction $
5	25 000 000	220 000	3 970 000
7.5	37 500 000	1 621 350	5 496 350
10	50 000 000	3 070 250	7 070 250
12.5	62 500 000	4 519 250	8 644 250

In interpreting this table, it must be acknowledged that the higher increases in turnover are more likely to be achieved with the lower rate of deduction.

The South Australian TAB will pay to the Victorian TAB an administration fee of .125 per cent of processed South Australian turnover. The charge covers all costs and capital charges that will be incurred by the Victorian TAB as a result of the amalgamation process. The target date for the amalgamation of win and place totalizator pools with Victoria is 1 September 1992. The proposal is supported by all sections of the racing industry.

Clauses 1 and 2 are formal. Clause 3 inserts definitions of 'interstate TAB' and 'quinella' into the principal Act. Clause 4 amends section 68. New paragraph *(a)* inserted by the clause preserves the effect of existing paragraph *(a)* in respect of quinellas. All other bets on a single however will be subject to the same deductions as are made by the interstate TAB with which our TAB has entered into an agreement under section 82a. An agreement cannot be made under section 82a and an agreement already made under that section ceases to operate if the amount that the interstate TAB deducts under its law exceeds 15 per cent or is less than 14 per cent of the amount of the bets (see section 82a (4)). In this case subparagraph (ii) of paragraph *(ab)* provides that 14 per cent will be the amount to be deducted.

Clause 5 inserts new section 82a into the principal Act. The section enables our TAB to enter into an agreement with an interstate TAB accept bets for pooling with those placed in another State or Territory. The agreement must have the Minister's approval and can only apply to singles but not to quinellas. An authorized racing club can accept bets as subagent of the South Australian TAB. The interstate TAB must deduct from the bets the amount it would have to deduct under the law of its own State or Territory. The amount deducted must be applied by the South Australian TAB in accordance with section 69. This is subject only to the amount of the fee agreed to be paid to the interstate TAB and any amount required to make up dividends to a minimum level (see subsection (6)). The reason for excluding the Racecourses Development Board from the distribution under section 69 is that it is only entitled to a percentage of bets on doubles and multiples and all the bets under the agreement will be on singles. The agreement must provide that the South Australian TAB is entitled to fractions and unclaimed dividends. These must be applied in accordance with sections 76, 77 and 78 (3) of the principal Act. Subsection (4) provides that the agreement will terminate if the interstate law changes so as to preclude the agreement from operating as originally contemplated.

Mr OSWALD secured the adjournment of the debate.

GAMING MACHINES BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3717.)

Clause 15—'Eligibility criteria.'

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

Page 7, after line 17—Insert new subclause as follows:

(2a) A person referred to in subsection (1) can hold only one gaming machine licence in respect of the premises to which the liquor licence relates.

This amendment has implications on an amendment I will move later, but in this form I think it stands on its own and I believe that there can be no objection to it.

The Hon. FRANK BLEVINS: I certainly have no objection to it—none whatsoever. It has always been the intention that only one gaming machine licence be held in respect of the premises to which the liquor licence relates, and the reasons for that are obvious. Where there are multiple licences on any particular premises one could get a situation—and I do not want to refer too much to the subsequent amendment—where the number of machines could really blow out, and that is not the idea at all. For that reason I believe that the amendment ought to be supported by the Committee.

Mr S.J. BAKER: I am inclined to be of the same view, although I point out that the Queensland legislation provides separately for different types of premises (I think it separates hotels from clubs) and therefore gives them different licences. I understand what the Premier is attempting to do and in principle I agree with that.

Amendment carried.

Mr GROOM: I move:

Page 1, after line 28—Insert new paragraph as follows:

(da) that the size of the proposed gaming operations on the premises would not be such that they would predominate over the undertaking ordinarily carried out on the premises;.

In moving this amendment I also indicate my support for proposed new clause 15a which the Premier has foreshadowed. If that amendment is carried this new paragraph will still have a lot of work to do. The present criterion in relation to a gaming machine licence in paragraph *(a)* is suitability of the premises for the purpose—

Mr Atkinson interjecting:

Mr GROOM: This is right; I am indebted to the member for Spence. Paragraph *(b)* refers to the proposed layout of gaming machines in a gaming area is suitable; paragraph *(c)* to the security of the premises; paragraph *(d)* to the conduct of the proposed gaming operations being unlikely to result in undue offence; and paragraph *(e)* to the conduct of the proposed gaming operations on the premises not detracting unduly from the character of the premises. New paragraph *(da)* provides that the size of the proposed gaming operations on the premises would not be such that they would predominate over the undertaking ordinarily carried out on the premises. It is a much tighter paragraph than paragraph *(e)*, which only requires 'detract'.

The effect of this new paragraph is to tighten the criterion to ensure quite clearly that a licensed club remains a licensed club and that a hotel remains a hotel and does not alter its fundamental character because of the existence of gaming machines. I say quite unashamedly that I have had discussions on this new paragraph with other groups. I am mindful of the fact that this new paragraph provides stronger protection for the Casino because if clubs or hotels were allowed to change their character through the back door then you would have quasi-casinos being established in South Australia in licensed premises, if paragraph *(e)* was not sufficient in itself to do the job.

Instead of saying 'detract', this new paragraph is an additional criterion and provides that they shall not predominate, and it really means that the clubs cannot alter their character and become quasi-casinos and that the machines cannot predominate over the ordinary characteristics of a licensed club or hotel. I indicate my support for the proposed new clause foreshadowed by the Premier, and even within those maximum limitations there is still plenty of work for new paragraph *(da)* to do.

The Hon. FRANK BLEVINS: I support the amendment moved by the member for Hartley. I believe that clause 3 *(e)* is ample but I suppose it is more to do with the style of drafting than anything else. If the Committee feels that this amendment does add something, I am very happy to support it. When talking about a soccer club, for instance, it is extremely important that it remain a soccer club. It may have poker machines, the same as it may have a bar or whatever, but it does not become a poker machine club.

It is important that soccer, or whatever else the club was based on, is not forgotten. The same applies to a hotel: it ought to remain a hotel and not become a pokie palace. There is enough in this for clubs and hotels without their wanting to go over the top and detract from the basic purpose of the undertaking. That would be detrimental. This is to assist clubs and hotels, not dominate clubs and hotels. I urge the Committee to accept the amendment.

Mr S.J. BAKER: It is a little bit of gobbledegook, but I accept the thinking behind it. I do not know how it is determined that gaming machines have dominated the normal activities of those premises, but it will be another useful reference point for the Commissioner before he grants a licence.

The Hon. B.C. EASTICK: My question of the member for Hartley really impacts upon clause 15a, to be moved by the Premier, which was mentioned by the member for Hartley. Forgetting about the hotel situation, but considering a building containing a multi-number of sporting clubs as the various instrumentalities in that club, in the operation of the honourable member's amendment, or later, if new clause 15a is passed, would they be allowed to congregate the total of their individual units in the one room, albeit that they have the same address? They could have a common door from each of their individual premises into that one room, and so make a multiple casino type of situation out of what was meant to be a series of small operations.

In looking at new clause 15a, as we will be invited to do in a minute, along with the member for Hartley, I have some fear that it might not be predominant in this case but a series of sporting clubs, with the total number in the one centre, thus turning it into a major parlour. It would still be of benefit to the individual clubs through their controls and in the read out from the individual machines, but the purpose of the proprietorship, if I can use that term, of the individual units would be defeated, however many there may be in the individual components of the premises.

Mr GROOM: It would not have that effect because you would have to look at the united effect of the criteria specified in clause 15 (3). The united effect would prohibit that from occurring. First, it does not detract from the Premier's foreshadowed amendment and would have plenty of work to do within those limitations. In looking at the united effect of the premises being suitable for the purpose—the layout, security, undue offence, annoyance or disturbance aspect, and now the size of the proposed gaming on the premises not being predominant over the undertaking—one would have to consider what the premises were licensed for. In combination with clause 15 (3) *(e)* and 'detract unduly', that would not have the adverse consequence foreseen by the honourable member.

Mr FERGUSON: With respect to the facilities I have seen in the Harbord Diggers Club in New South Wales, for instance, the auditorium of that establishment is predominantly made up of a large number of poker machines. If one were to travel to the outside perimeter of that establishment, one would see a bowling club, tennis club and youth club. They are not really in the premises of the establishment but are in the surrounding area and owned by the club. I have a fear that, under this definition, a judgment could be made where poker machines are predominant in that they are in the main building, but we may find an interpretation that would reduce the number of machines in the surrounding facilities, which are all available to club members. Thus the income to the club and the facilities available to club members would be reduced. How does one define 'premises'? If 'premises' includes all the surrounding area and sporting facilities, I have no real objection to this proposition.

Mr GROOM: Sections 61 to 63 of the Licensing Act set out the requirements for new licences and the suitability of premises. The Liquor Licensing Commissioner would quite clearly apply the similar sorts of criteria but with tighter controls. It makes the Premier's foreshadowed amendment more attractive. We must look at the nature of the licence actually held in respect of those premsies, and the Liquor Licensing Commissioner would determine whether those premises were appropriate for a club, hotel or general facility licence. Once the Liquor Licensing Commissioner under another Act has established the appropriate criteria to apply with respect to those premises, the Commissioner has to direct his or her mind to much tighter controls in relation to gaming machines when a gaming machine licence is applied for.

When you look at the united effect of clause 15 (3) *(a)* to *(f)*, you will find that the Liquor Licensing Commissioner will not be able to allow quasi casinos to be established, no matter how many clubs or organisations might operate from the premises. By virtue of this amendment and the Premier's foreshadowed amendment, the Commissioner will not be able to allow quasi casinos to be developed which would have the effect of undermining the Casino Act. This Parliament said there should be only one casino in South Australia. The united effect of all this is to ensure a measure of protection for the Casino. I say that quite unashamedly. The Parliament said there should be only one casino, and poker machines should not be used as a backdoor means of establishing quasi casinos which would simply rival the Casino. It just could not have that effect.

The Liquor Licensing Commissioner will apply commonsense and will look at the criteria established by the Parliament to ensure that the character of the operations is maintained. If a number of clubs operate from those premises and they apply for poker machines, depending upon whether the Liquor Licensing Commissioner has allowed two organisations to hold a licence at the same time or at different times in relation to those premises, they could have to share the premises. The Commissioner will have to determine whether it becomes a quasi casino. There is still a fair measure of discretion.

Mr FERGUSON: I accept that argument, but it does not really answer my question. The previous question referred to a multitude of clubs getting together, but my question had nothing to do with a multitude of clubs. It related to one club, and I gave the specific example of the Harbord Diggers Club in Sydney which provides wonderful facilities for its members. It has a central hall that is predominantly a gambling place with rows on rows of poker machines. They also have a bar there, but, predominantly, they have poker machines, and the availability and benefits to the club are actually outside the premises.

So what I am really asking the member for Hartley has nothing to do with two or four clubs joining together—it has nothing to do with that. I suppose I am asking him to provide an interpretation of the proposition that we have before us. That will be used as a guide in due course if ever this matter is discussed elsewhere. One of the reasons that I voted for this Bill was to make sure that facilities are available at low cost to working-class people, as they are in certain parts of New South Wales. That is really the question that I am posing.

Mr GROOM: The analogy is the same, whether it is multiple or single clubs. In reality, it becomes a matter of degree for the Commissioner, and dominant purpose runs right through the law. It is in many areas of the law, both

Federal and State, and it is simply a matter of fact and degree. The reason that you insert this criterion is so that it has work to do, and so that the Commissioner can direct his or her mind to the fact that, in permitting and determining the number of machines to be placed on premises, he or she does not in reality allow *quasi* casinos to be established.

In the Commissioner's view, after looking at the premises and the number of machines, the situation which the honourable member described may well amount to a *quasi* casino. In fact, I think that, if this sort of tightening up does not take place, that is what we may well end up with—200 or 300 machines. If that occurs, those clubs or hotels will become *quasi* casinos. So it becomes a play on words. I cannot give the answer which the honourable member wants, because there is a discretion that is retained by the Commissioner, and it will be a matter of fact and degree for him or her to determine. It is a signal from this Parliament that poker machines will not be brought in through the back door to permit casinos, other than the Casino which we have established.

Mr BRINDAL: I concur in this matter with the member for Henley Beach. I give the example of the Sturt Recreation Club, which has, say, three hectares of playing fields and only its change rooms as enclosed space. I understand what the member for Hartley says, but I am not quite sure how it should be interpreted. If the club has three hectares of playing fields, does that mean that it can have one hectare of gambling machines? I understand what the honourable member is saying, but I want to know how anybody can interpret that provision. I do not understand how it is capable of interpretation.

The Hon. FRANK BLEVINS: The interpretation is not difficult. If the Sturt Recreation Club had a tin shed, two stools, a keg on Sunday and built a hall and wanted to put in hundreds of poker machines, that would be contrary to the legislation. It is as simple as that. It would not be permitted to do that, because that would certainly predominate over what the club was established for. If it built a five-storey building and put in swimming pools and all the kinds of things we have seen in New South Wales, that would be a different situation altogether. I hope that that occurs. My suspicion is that it will probably not occur for many years, but I hope that it does occur and that the Sturt Recreation Club becomes another focus in the area—a very good club. But with only a tin shed and a keg of beer on a Sunday it could not have 100 poker machines. It would probably not get any—never mind 100 of them.

The Hon. B.C. EASTICK: I draw attention to the question I asked before. Whilst I am quite happy to recognise that we will not have a massive casino with greater than 100 poker machines, in the minds of many people 100 poker machines in one spot would be getting close to a casino-type operation. I come back to the proposition I put to the honourable member previously that, where you have a building with a series of tenants and where that building is constructed as many of the mall properties are at the present time, you do not know from one minute to the next whether you are in proprietor A, B or C's premises, because they simply roll down between their stock a lattice-like roller door looking after their own security.

If all those roller doors were up at the same time in a common area, you could very quickly have 100 machines representing anything up to seven, eight or nine sporting organisations. They would each have their other facilities, whether they be administration, a bar, a coffee shop or whatever, but I suggest that, with the type of construction that is utilised at the present time in mall structures, you could create a casino-type operation with 10 machines for one organisation, 15 for the next and so on, around a central area. When the lights go out and the shutters come down, they are individually secured on their own premises, but collectively it is 100 in a bank, and that causes me a great deal of concern.

The Hon. FRANK BLEVINS: The member for Light need not have the degree of concern that, clearly, he has at the moment. I think there is some misunderstanding here of the member for Henley Beach, who wants what some of us think is undesirable. The member for Henley Beach is approaching it from a different viewpoint altogether. The position is that I cannot conceive of any circumstances that would arise where those premises, as outlined by the member for Light, would get a liquor licence in the first place, let alone poker machines. If I was to get a big hall, buy some shutters and say I will call what is behind this shutter the Barossa Bowling Club and what is behind another shutter something else, etc, right around the hall, I would not get a licence to start with. You must prove exclusive use of the premises, and so on. Poker machines are tied to a liquor licence, so you must go back to the Liquor Licensing Act and the restrictions that apply before you can even talk about getting a licence to have poker machines. Therefore, the scenario is just not possible under the Liquor Licensing Act, let alone anything further down the track.

Mr FERGUSON: I want to put my position clearly. I know that we are not allowed to talk about proposed amendments, but I will be supporting the Premier's proposed amendments. However, in doing so, I would like to see that, in order that clubs can accumulate facilities for their members, they be allowed to use up to 100 machines. I am asking the member for Hartley whether, if we include the swimming pools, the squash court, the bowling club, the tennis club and the youth centre as part of the premises, the person seeking a licence will indeed be able to have 100 machines, and his business will not be predominantly gambling if you include all the other facilities. I really want to see the populace of South Australia enjoy facilities such as that, and in order to finance them it will be necessary to put in 100 machines.

I hope that the 100 machines restriction does not last very long. I will agree to 100 because we are talking about $1 million to put in 100 machines, and not many clubs have that much money to play around with in South Australia. I have no problem supporting the 100 machines restriction, but I want to make sure that we do not have a lot of tinpot centres with five or six machines for which there is no great return and no great benefit to the people of South Australia. There may be a danger in doing that if this proposition is accepted.

I understood from the member's previous contribution that the Parliament is giving a signal to the Liquor Licensing Commissioner. What is that signal? I am not asking the member for Hartley to tell me that this matter will be looked at by the commission in due course taking everything into consideration and so on, because we know that will happen. I am asking: what is the signal that this Parliament is giving to the Liquor Licensing Commissioner and why cannot that signal include an interpretation that all the other facilities which are available to clubs in other States shall become available to clubs in South Australia and be used as a basis for the number of machines that they might have in their central location?

Mr GROOM: The signal is quite clear. The clause provides that a hotel or club cannot become a casino. The object is to ensure that we do not have poker machine casinos all over the place. It may be that the Commissioner

will allow the number of machines to reach the maximum of 100.

Mr Ferguson interjecting:

Mr GROOM: It is a value judgment.

Mr Ferguson interjecting:

Mr GROOM: This Parliament determined that there shall be one casino. We cannot therefore allow poker machine casinos all over the city without blackjack tables but with walls lined with poker machines, because that will have the effect of undermining the Casino. The Casino is a major employer in South Australia. It has very large overheads and it contributes enormously to our tourism and hospitality industry. It is entitled to a measure of protection because Parliament has said that there should be only one Casino. It gets down to a value judgment. The honourable member obviously has a more flexible approach to the installation of machines than the member for Light. In this instance, by supporting the foreshadowed amendment of the Premier, a maximum is put on.

The question asked by the member for Henley Beach cannot be answered in the way in which he wants it answered because one would have to read the mind of the Liquor Licensing Commissioner. This is placing a fettered discretion on the Liquor Licensing Commissioner. Parliament is concerned to ensure that certain criteria are met: that the predominant purpose is not a casino. That would undermine the Casino. It is as simple as that. What more can one add?

The Hon. FRANK BLEVINS: The reality is that it will be very many years before any licensed establishment in this State gets to 50 machines, never mind 100. Whilst we are putting our toe in the water in this area—and I do not want to go into great detail because the amendment has not been moved—to have an upper restriction of 100 will give a measure of comfort to many people. Because of that, I support it. If the clubs and hotels in future feel that they are being inhibited in the facilities that they can provide to their members because of this upper limit, there is an obligation on them to persuade a sufficient number of members of Parliament that their constituents will benefit from removing an upper limit, assuming that the Premier's amendment is carried.

That does not seem particularly onerous for the clubs and hotels if they can make the case at the time. I would be surprised but happy if they came back in less than five years because they found the ceiling inhibiting their operations. Nevertheless, the clubs and hotels are quite capable of discussing that with members of Parliament at that time. The argument is academic. I do not believe that anywhere near 100 machines will be provided in any club or hotel in South Australia for many years. There will not be that requirement.

Mr Brindal: What happens if there is?

The Hon. FRANK BLEVINS: If the clubs and hotels feel inhibited by the legislation, they are perfectly free to lobby, and to lobby vigorously if necessary. Whether it is the Festival of Light, people for public transport or the person, when you cannot pay the water bill, who threatens you, all people are entitled to lobby, and to lobby vigorously. Members of Parliament ought not to be so sensitive that they are in any way hurt by vigorous lobbying. They can also lobby back and perhaps suggest to the people who are lobbying what they think. Members can put their ideas to them equally as vigorously. We should all be capable of doing that. I think the problem is academic. I understand what the member for Henley Beach is saying and I am of the same view, but I do not think that either of us will be totally pleased under at least five years.

Mr S.G. EVANS: While we are discussing the possibility of people establishing casinos of a type, will the Minister ensure that in drawing up regulations no club or hotel can use the word 'casino' in its name? If we are not cautious we shall have people applying for names incorporating that word—for example, 'South Adelaide Casino Club'. I am not a great supporter of the Casino, but it is the only body in South Australia that should carry that name. We may need regulations to ensure that that word cannot be used anywhere other than in respect of the Adelaide Casino.

The Hon. FRANK BLEVINS: I am not quite sure how it could be done—whether it could be done under the companies legislation or whatever—but I am sympathetic to that. If that problem arises, I am sure that Parliament will find some way to deal with it. At the moment I cannot think how it would be done.

Mr S.G. EVANS: I believe it is possible for us to say, even in the regulations which may accompany this legislation if it passes, that no licensee shall use the word 'casino' other than in respect of the Adelaide Casino. I am not a lawyer, but as a person who hopes commonsense will sometimes prevail and we do not have to use legal jargon, I am asking the Minister to look at it and, if it is possible, that we should do it before it becomes operable.

Amendment carried.

Mr QUIRKE: I move:

Page 7, after line 35—Insert new subclause as follows:

(3) In determining an application for a gaming machine licence the Commissioner will not have regard—

(a) to the proximity of the premises the subject of the application to any other premises in respect of which a gaming machine licence is held; or

(b) to the number of such licensed premises in the locality in which the premises the subject of the application is situated.

The idea behind the amendment stems from some constituents of mine who sought my assistance in relation to this matter. They raised with me the question whether, were gaming machines to be introduced in South Australia, some determination would be made to give them to one particular establishment and, on that basis, therefore deny them to another establishment that may be nearby.

The example I cite is the Para Hills Community Club, the football club and soccer club, which share the same precincts. This is why the issue was raised with me. Two of those clubs are hoping that, if this legislation is successful they may be applicants for a gaming licence. The problem that emerged from my reading of the legislation is that the area is somewhat grey and the first club in may well be the only one to get gaming machines. There are numerous other examples, and I have discussed this matter with the Minister.

The situation is that in the hotel industry there are a number of licensed premises. It may be that, if one premise is successful in its application, for whatever reason, that may deny the other licensed premises within the same area. My amendment, if successful, will provide the necessary safeguards to ensure a level playing field for all clubs and pubs in South Australia.

The Hon. FRANK BLEVINS: I support the amendment. I believe that the question of proximity is important. I know that in my electorate licensed premises are very close together and it would be unfair for the Liquor Licensing Commissioner to take that into consideration when deciding who should or should not have poker machines. I believe that the Bill covers that, but the amendment is a very good clarification and I urge the Committee to support it.

The CHAIRMAN: I draw the attention of the Committee to the amendment circulated by the Deputy Leader. In the event that this amendment is carried, it would not be pos-

sible to put the Deputy Leader's amendment. If this one is not proceeded with, the Chair would proceed to put that of the Deputy Leader.

Mr S.G. EVANS: I have a difficulty with the word 'premises'. There is no definition of 'premises' in the Bill. This amendment provides:

> *(a)* to the proximity of the premises the subject of the application to any other premises in respect of which a gaming machine licence is held;
>
> or
>
> *(b)* to the number of such licensed premises in the locality in which the premises the subject of the application is situated.

I have no problem with the latter part, because if there are separate buildings I do not think there is a problem. I wonder whether 'proximity' in paragraph *(a)* suggests the very thing I was talking about earlier: that there might be six different clubs in the one building, each of which is defined as the one premise.

In layman's terms it does not, but I am concerned about why it is there if it does not mean something like that. I ask the Committee to think about that seriously, because paragraph *(b)* covers all of it, as far as I am concerned, and paragraph *(a)* makes me suspicious of what the member for Playford is attempting to establish. The honourable member might like to explain it.

Mr QUIRKE: The issue, to my mind, is quite simple. In my electorate, and I am sure in the electorate of many other members, there are a number of sporting facilities which, because of council applications, etc., were clustered in a particular way. I am not arguing, nor do I believe, that we can run into this amendment the fact that they are all in the same building, because they are not: they are in different buildings and separated by some considerable distance.

The plain fact of the matter is that the football club, the soccer club and the community club are in proximity to each other. They are distinct and different entities. They are distinct in law as different entities. They are in different buildings separated by several hundred metres. It was raised with me—and at the time I thought it was worth raising—that there is a problem where we have different sporting clubs. I know that the member for Davenport has a keen interest in sporting clubs, and I say that quite sincerely.

It would have been a much better arrangement had there been some commonality years ago in my electorate so that all those sporting facilities had been put under the one roof. This sort of provision would not then be necessary to protect their interests. That, in fact, has not happened. The way I see this amendment is that it would not allow the situation the member for Light referred to in his earlier comments on other clauses. My view is that the Liquor Licensing Commissioner could look at this, see the amendment and the total Act, and understand that the condition to which the member for Light referred was not possible. I do not believe that this amendment seeks to create that situation. It is clearly about the business of making a level playing field and creating equal access for clubs and pubs that are in close proximity to each other.

The Hon. B.C. EASTICK: I believe that what I predicted could happen is provided for in this proposition put forward by the honourable member. He talks of the circumstances in his electorate and recognises that the clubs are at a distance one from the other at present. But we must legislate not only for what we have at present but for what might be built a little way down the track. The circumstances that I outlined could occur, and the Commissioner would have no basis for refusing the proposition that would allow a central area to be turned into a quasi-casino, albeit that it would fulfil the other requirements that the Minister said might not be fulfilled.

A number of sporting organisations use the same general area, have their own bars and have the right to expect to be licensed. I suggest that, when we start putting theory into practice, the real difficulties begin, and this helps the theory get into the wrong practice.

Mr FERGUSON: I support the amendment, but I have a problem with the word 'premises'. It is the problem to which I referred previously and I will not debate it again, except to say that we now have a prospective piece of legislation in front of us, and I want to make sure that all buildings and all sporting facilities that are owned by one organisation are covered under the word 'premises'. This will then allow clubs to have a sufficient number of machines to fund their organisation.

I, too, have a problem with the definition of 'premises', and I do not want to see it so narrow that it would be to the disadvantage of those clubs that will provide facilities for their members. I support the amendment.

The Hon. FRANK BLEVINS: The definition of 'premises' is under subclause (2), which provides:

> The premises to which a liquor licence referred to in subsection (1) relates will be the licensed premises in respect of the gaming machine licence.

I believe that what the member for Playford is attempting to do takes the Bill no further; it does not permit anything that is not in the Bill. When we are referring to licensed premises, we have to go back to the Liquor Licensing Act before we can construct a scenario of little cubicles that are purporting to be licensed premises with a central hall and with 100 poker machines. That is not possible under the Liquor Licensing Act. I can assure members that those premises would not get a liquor licence in the first place, never mind a poker machine licence. What the member for Playford is doing, and quite properly—and I support it—is spelling out more clearly the case for individual clubs that are located close together.

I support that close location. I think a lot of mistakes have been made by individual clubs having their individual premises and, more importantly, individual ovals, and they cannot even pay to water them. I think the local council (or whoever organised that in the member for Playford's area) has done a very good job in ensuring that the clubs remain viable and that the sporting facilities are used properly, not just by one individual club, which, overwhelmingly, I find has difficulty paying the water bill for the exclusive use of an oval. I think the arrangements in Para Hills are excellent, and I would not want the people in those clubs to think that they would be disadvantaged in any way because of their proximity to other clubs.

We will be dealing with the Deputy Leader's amendment a little later but, if his amendment were to be carried, we would have the Liquor Licensing Commissioner making judgments on which club would and would not be blessed. As far as I am concerned, one of the biggest problems with the TAB, when it put terminals in clubs and hotels, was that it was selective. If there were two hotels across the street from each other in a country town, one would get the TAB terminals and the other would not, and the latter would go broke. I always thought that that was grossly unfair. I would have thought that if the TAB was supplying these terminals, if that was thought to be desirable, anybody who could afford them and pay the proper price for them ought to be able to have them, irrespective.

The argument as to whether they should or should not be in there at all is a separate argument but, if they are, everybody should be entitled to access to those terminals. I believe that every club ought to be entitled to access to

poker machines irrespective of its proximity to any other licensed premises that may have poker machines. As I say, I believe the Bill covers that, but I support the amendment, which makes it crystal clear, in case there was any doubt in anybody's mind—and clearly there is some doubt in the minds of the people of Para Hills. I commend the member for Playford for moving the amendment, which makes crystal clear that those clubs will not be disadvantaged in any way because of their proximity to other licensed premises.

The Hon. JENNIFER CASHMORE: I oppose the amendment. I think it is essential that the Commissioner does have the power to take into account the proximity of premises which are the subject of applications and make a determination as to whether the nature of an area which may have many clubs or hotels in it is to be so altered by the granting of licences that it becomes literally a gambling district.

The reason why we have extremely rigorous laws to police both liquor and gambling is that society recognises the inherrent dangers if both those activities are not very tightly controlled. It seems to me wrong that we should be providing for poker machines in the first place—and I oppose that on principle—without imposing the kind of restrictions that are inherrent in the foreshadowed amendment of the Deputy Leader. On those grounds, I cannot support the amendment of the member for Playford, and I will be supporting the amendment which I hope will follow it when the Committee defeats this amendment.

Mr BRINDAL: I am, I believe, going to support this amendment. I do so with some trepidation because I cannot see that it affects the electorate of Hayward, and I know what a dim view the member for Napier takes of us speaking on behalf of South Australians. Apparently, he has objection to members in this place speaking in relation to any district except their own. But, as somebody who was elected—

The Hon. T.H. HEMMINGS: On a point of order, Mr Chairman, the member for Hayward is reflecting on me. I have not even entered into this debate.

The CHAIRMAN: I cannot see that that contravenes the Standing Orders at this point, and I would ask the member for Hayward to return to the topic of the clause.

Mr BRINDAL: I listened with attention to the points that were made by the member for Coles, but in this instance I think the member for Playford is right. While we cannot refer to further amendments, I would have been persuaded by the arguments of the member for Light, and I think that that is a real worry. However, I note that we might be debating a further amendment which limits the number to a total of 100, and I think that that will overcome the problem raised by the member for Light. However, I accept the argument of the member for Playford that, if we are to have this legislation, which I do not support, it should be on a fair and equitable basis for all concerned. I commend the honourable member on his amendment.

Mr S.G. EVANS: I am grateful to the Minister for advising me (I should have picked it up earlier) where the definition of 'premises' lies: it lies not in the definitions clause but under subclause (2). I am concerned, because what subclause (2) provides is that a building in which five clubs may operate could have 500 machines, if we take 100 machines as the total number that will be allowed in each.

The definition in relation to a club licence and a hotel licence relates to the area that is licensed, and more than one licence can relate to the one building. As I see the definition, each separate licence relates to another premises, and that was the point I was getting at earlier. I have no objection to the point that the member for Playford raised about separate buildings in the same council park which the clubs lease. I have expressed my conflict of interest in that I am the president of two licensed clubs, one with several clubs operating under the one roof and the other still looking for a place in which to operate permanently.

The member for Playford referred to separate buildings on the same property (a council reserve), but the way this provision is worded seems to indicate that a soccer club, a netball club and a football club (or whatever) that have licences for the building could rearrange that building so that their machines were fairly close. They could then have their 100 machines (or whatever the maximum number might be) close together.

That concerns me, and I do not think it was the intention. The nine or so different sports in the club of which I am President operate under the one licence, and they will be entitled to have the maximum number under that licence. However, under clause 15 (2), the same group of sports operating as separate clubs with a separate licence could have the multiple of the number of clubs operating with the maximum number of machines. That concerns me.

I believe there is a typographical error and that subclause (3) should read subclause (4). That is why I query paragraph *(a)* as against paragraph *(b)*. I have no trouble with paragraph *(b)* if we are looking at separate buildings, but we are not. Clause 15 (2) clearly states that it can be part of a building, as long as it has a licence. For that reason, the whole clause worries me. I will speak with members in the other place about looking at this matter when it reaches there. I oppose the amendment because I believe it strengthens the cause of those who might want to have a number of machines in the one building, to the detriment of other clubs and hotels, etc. I do not think that that was the intent of those of us who may have shown an inclination to support the legislation in the end result.

Mr S.J. BAKER: I oppose the amendment. I have an amendment that heads in the totally opposite direction. We are dealing with a matter of some concern. The issue of multiple licensed premises in close proximity has been raised and thoroughly canvassed. I will cite the situation that obtains at Mortlock Park, a little park close to where I live. The hockey club and baseball club occupy the same premises. They are using the same licence, but that will not necessarily pertain in the future. Next door to those premises is the Sturt Basketball Club and a few metres away is the Mortlock Park Football Club. One would presume they are all entitled to go for up to 100 machines. That is one situation which is very close to home.

The Select Committee on Rural Finance travelled to Jamestown and, from memory, there were four hotels within a stone's throw of each other. It will be absolutely vital that everyone gets it right. If any one of those hotels goes for the maximum, or they do not talk to each other about the situation, we will have some real financial disasters. We are not talking about small amounts of money: in many cases we are talking about premises that have turnovers of literally a few thousand dollars per year that suddenly perceive they will have a capacity to roll in the dollars to the benefit of their members. I will not tie their hands and say that they cannot do these things; nor will I instruct the Liquor Licensing Commissioner to refuse them. All I am saying is that the Commissioner must have the capacity to say, 'Get together, sort yourselves out and work out what you can afford. Don't be stupid, let us ensure that the final result provides the best for everyone concerned.'

Members of the committee who travelled to Jamestown would realise each one of those hotels was struggling, and two or three of them will fail to survive. This could lead to a very difficult situation. Right throughout country areas

we will find a large number of hotels invariably within a few metres of each other, because that is the way they were set up originally. If the Commissioner does not have a reference point and does not say to people concerned, 'Hang on, you have to all get together and sort this out because the ultimate result could be to the detriment of everyone concerned,' rural communities would be worse off, as would local metropolitan communities. There will be a rush of applications. A number of clubs believe that it will save their lives and they will be able to put in the swimming pool that everyone is talking about. All clubs within close proximity who believe that will finish up going broke.

I will canvass my amendment because it is opposite to this one. My amendment gives the Commissioner the right to knock a few heads together and sort it out in the best interests of everyone concerned. Without that, we will go in the opposite direction as suggested by this amendment, saying, 'You can have what you like; we don't care. We are not worried about the results.' We are going into a very difficult situation. A number of people have high expectations about the amounts of revenue they will receive as a result of installing these machines in their premises. In the sorting out period, we need some holding pattern. We need something that the Commissioner can use to say, 'Hang on, what you will do will rebound on all of you,' so the Commissioner can have regard to it, and not necessarily refuse.

I point out that, to get a licence, we have said that the Commissioner shall have regard to the other liquor licences that pertain in the area. We are all aware of that. This situation does provide a parallel. It provides an important benchmark, if you like, because we are talking about liquor licences being the standard by which people can obtain gaming machine licences. I am adamantly opposed to this proposition. I would rather see no addition to the Act than this proposition, because I believe it is fraught with a great deal of danger. I totally reject the amendment.

Mr QUIRKE: Most of the arguments put forward by the Deputy Leader are not only fallacious but illustrate a point I have learned in the past 2¼ years since I have been here, and that is that some people go out into the community and run the line that they are great deregulators and do not believe in getting involved in the economy and the rest of it, but come in here and behave in a totally opposite way. With respect to the Jamestown example, or Quorn or other towns where there are numerous licensed premises in the same street, it would be a fine state of affairs if one particular set of premises managed to get whatever is the number of machines. The argument over previous clauses has made out the case that the character of that set of premises will not be changed by the number of licences granted by the Liquor Licensing Commissioner. The Deputy Leader is saying that the Liquor Licensing Commissioner should be out there picking winners and losers, and that he should be in the business of anointing certain premises and not others.

With respect to the Para Hills situation, it was put to me quite clearly that the soccer club has a different clientele to the community club and the football club. What is more, I do not think there is any argument about that. They have different premises, different managements, totally different personnel and totally different facilities. They just happen to be in the same general precinct. It is no different at all from the situation in Quorn, Jamestown or any other town. If this particular proposal does not get up, one club could well be anointed and the others will feel the impact of that.

The Hon. FRANK BLEVINS: The position is not quite as the member for Playford has stated. This amendment ought to get up. It is a further clarification, if the Committee thought that one was necessary, but I can assure the member for Playford that, even if the amendment does not get up, the question is unchanged. The question of proximity does not come into it other than when a judge grants a licence in the first place; then the question of proximity is taken into account as to whether to grant the licence. Once that decision has been taken, the Liquor Licensing Commissioner, in granting a licence for gaming machines, has no further use for proximity. Therefore, the member for Playford is on a winner both ways; I can guarantee that. If he loses he wins, and if he wins he wins, and that is not bad.

What would give the lawyers a field day is if the amendment foreshadowed by the Deputy Leader were to get up. The lawyers would welcome that. There would be endless arguments in court as to what constitutes proximity, etc., and I can guarantee that we would be back here very smartly, because the people from the clubs and hotels that missed out would be in our electorate offices so quickly and would deal with us very smartly.

If the Liquor Licensing Court judge decided that, after taking proximity into account, a particular place is entitled to have a licence and that licence is granted, I think we need consider no further the question of proximity. That threshold decision has been taken. Therefore, I would urge the Committee to support the member for Playford's amendment and not the foreshadowed amendment of the Deputy Leader, because that will make a very large rod for our backs, and I think we have enough rods as it is.

Mr S.J. BAKER: I am glad that the Minister cleared up the delusion of the member for Playford about what the Liquor Licensing Commissioner does and does not do. It is a fact that, if the current rules were applied and all the existing premises reapplied, if they used the old rules, a few of them would fall over in the process, because they simply could not justify it under the rules that prevail today. Quite clearly, we have an historical situation, and there is no relevance to the economic situation which the community faces today. Communities which could previously support four hotels can barely support one hotel today. So, if the Liquor Licensing Commission reviews the current situation under the existing rules—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: No, I am saying to you that decisions have been made by this Parliament over a period. I am not talking about regulation—far from it. Can I be quite frank with you? I put up my amendment as a defence, not knowing that the member for Playford was going to put up his, but having a fair suspicion that somewhere in this legislation this particular measure would be sought. So I am quite content if this amendment and mine get lost in the same vein. This provision should not be inserted, because it means that there are no controls and there is no basis for direction under the legislation. It is saying that the people concerned can do whatever they like, irrespective of the consequences. The Liquor Licensing Act imposes conditions in the same way that we should be thinking about the conditions we impose under this Bill, otherwise why have this Bill before us today? For those reasons, I will not proceed with my amendment—it was there as a defensive item measure—and I urge the Committee to reject this amendment, because it takes out of the Commissioner's hands any discretion whatsoever.

The CHAIRMAN: I draw the attention of the Committee to the fact that this really should be a new subclause (4), not (3), but I am sure that members are aware of that.

The Committee divided on the amendment:

Ayes (24)—Messrs Armitage, L.M.F. Arnold, Atkinson, Bannon, Becker, Blevins, Brindal, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron,

Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Peterson, Quirke (teller), Rann and Trainer.

Noes (17)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller) and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Oswald, Such, Venning and Wotton.

Pairs—Ayes—Messrs Klunder and Mayes. Noes—Messrs Gunn and Meier.

Majority of 7 for the Ayes.

Amendment thus carried; clause as amended passed.

New clause 15a—'Maximum number of gaming machines per licence.'

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

Page 7, after clause 15—Insert new clause as follows:

15a. (1) Subject to subsection (2), a gaming machine licence cannot authorise possession of more than 100 gaming machines.

(2) Where, pursuant to section 16 (2), more than one gaming machine licence is held, or is to be held, in respect of the same premises—

(a) the total number of gaming machines authorised by those licences cannot exceed 100; and

(b) the number of machines authorised by each such licence cannot exceed the number obtained by dividing 100 by the total number of gaming machine licences held, or to be held, in respct of the premises.

This new clause is in a substituted form from the form in which I originally circulated it. The change is not great. It clarifies it and as such I think improves it. The subject of this new clause is to provide a maximum number of gaming machines per licence. As has been canvassed under other clauses, there is concern that quasi-casinos could be established in and around the State. While it is true that there are a number of checks and balances and the whole structure of the Bill does not lend itself to that, nonetheless I thought it appropriate that we clarify that aspect, at least in respect of the total number of machines that could be provided. One then asks the question: if we are to put on a maximum, what is a reasonable maximum? I guess here we are making a bit of a stab in the dark. It is an arbitrary number which tries to strike a balance between putting on a limitation that makes some sense while at the same time allowing flexibility that also allows the effective operation of the Bill and the access of clubs and hotels to machines.

The original submission by the Hotels Association talked about a maximum of 30 machines per location, which is considerably less than the 100 provided here. The position of the clubs has been that there should be no limitation. There are the parameters of the debate. The hotels go a step further and suggest that, if there is to be a maximum number, the same number should apply to hotels as to clubs. In attempting to balance those various interests one eventually makes an arbitrary decision and in this instance the decision, which is embodied in my amendment, is to make the maximum 100.

One looks at other jurisdictions to see what has been done there in order perhaps to get some precedent. In New South Wales there has been no limitation historically on the number of machines that a club might have. I understand that in hotels the limitation on authorised amusement devices is 10—a fairly restrictive number. Poker machines as such are not permitted in hotels in New South Wales. It is quite a different system and culture which has grown up since the 1950s. There is a clear distinction between clubs and hotels, their function and role, which is not applicable in South Australia. That has not been our culture or tradition. Therefore, that extreme disparity which is represented in New South Wales would not be applicable in South Australia.

Queensland equates more closely to New South Wales, perhaps because of the proximity of borders and again a cultural aspect. Queensland has casinos and a limit; New South Wales does not at this stage. Queensland limits clubs to 250 and hotels to 10. Again, a very clear distinction is drawn between clubs and hotels, but I suggest that is not appropriate in South Australia. Victoria comes closer to the model that I am suggesting, and that is probably where the 100 figure becomes appropriate. This is a maximum. It does not suggest that each and every premise may have that many machines; on the contrary, it is most unlikely, particularly in the initial stages, that we shall see numbers of that kind. This clause has to be read in conjunction with other parts of the Bill, with the amendment moved by the member for Hartley which has been incorporated and all those other provisions which relate to the character of the premises and its suitability for whatever number of machines is stipulated.

In Victoria no distinction is drawn between hotels and clubs in terms of the total number of machines that are permitted. That number is 105. A distinction is drawn in relation to hotels between restricted and unrestricted areas. A restricted area obviously has certain requirements in terms of entry and other aspects and a maximum limit of 100 machines can be provided. An unrestricted area, which presumably is any other part of the hotel approved for the installation of such machines, is limited to a maximum of five. On that premise, one can have only 105 machines. The same is provided for the clubs. Therefore, no distinction between clubs and hotels is drawn. The case for no distinction, which has been pressed by the Hotels Association—bearing in mind that we are looking at a much lower number as a maximum in its initial consideration—has been well and successfully argued. That is the basis for the number that has been inserted.

The only other point I would make relates to the substitute form in which this new clause has now been moved. It will cover a situation where on the one premise one might have licences operating in different seasons. One could have the cricket club occupying the premises during its season and the football club taking over in winter. In that instance, if only one of those could have access to machines and the maximum provided, whoever jumped in first or got to the head of the queue first would have total control. That would seem an unreasonable situation. Therefore, this will ensure that they are able to have access to machines. But again, as new clause 15a (2) *(b)* makes clear, the total number of machines authorised by those licences—that is, where more than one gaming licence is held in respect of those premises—still cannot exceed the number obtained by dividing 100 by the total number of gaming machine licences held in respect of the premises.

I think that the points raised earlier on clause 15 are well covered by this amendment. It puts a cap on the absolute number of machines, so from that number down is the way in which the Licensing Commissioner would look at it and, in looking at the appropriate number for any premises, obviously he would have recourse to clause 15 and any other appropriate provisions that would determine it. It gets over the problems of occupancy of the same premise. The analogy does not differentiate between clubs and hotels. It provides a limit that is high enough for considerable flexibility, but not so high as to create a number of quasi-casinos around the place. I commend the amendment to the Committee.

The Hon. FRANK BLEVINS: I support the amendment. As I stated earlier, I do not believe that this will have any practical effect for a number of years. It will be quite a

while before clubs or hotels are anywhere near the 100. It seems to me not unreasonable for clubs and hotels to come back to Parliament if they want to go over the 100, and if someone gets the money, borrows several million dollars, I hope, from Westpac or the National Australia Bank—

An honourable member: The State Bank.

The Hon. FRANK BLEVINS: No, I was being quite specific—wanting to put up a five storey building. That is appropriate, whether it is one of the large football clubs or, say, the Sturt community club, and it is still very much the club rather than the poker machines that is the object of the exercise. If they wish to do that, and that would mean more than 100, I do not think it is unreasonable to ask them to come back to Parliament to lift the limit. I, for one, would be very happy to do so if it were a well thought-out proposal financed by the private sector. Given that I do not think that the number will have any effect for some years, I do not believe that it requires any further debate from me. I am very happy to accept the amendment.

Mr S.J. BAKER: This is a matter I raised during the debate and a matter that has been covered by legislative decree in two eastern States and by regulation in another. I was dissatisfied with the possibilities of a very large casino-type operation starting up. We could be a little more prescriptive in terms of the relationship between pubs and clubs and the 100 to 30 ratio that I mentioned during the debate. However, I think that the amendment does what most people would support, that is, a cap on the numbers. There are particular circumstances in which multiple licences are operating, and the question mark about the premises still has not been answered, because some premises do have small bar facilities next door to each other. However, I will take the amendment at face value and will not complicate it any further, as I believe it is appropriate.

Mr BRINDAL: I am inclined to support the amendment but seek a couple of points of clarification from either the Minister or the Premier. First, I have no real conception of 100 poker machines. Would either the Minister or the Premier know of any comparison, in relation to, say, the Broken Hill clubs, in terms of size? I want to satisfy myself on another point: in the case of a recreational club that had concurrently a croquet club, say, a basketball club and something else, and they shared premises under the one roof but the premises were discrete—something like the situation in a mall, where you have shops on either side—I take it from what the Premier is proposing that the cap for the entire complex would be 105. I should like clarification on that.

The Hon. FRANK BLEVINS: We went through this debate a little earlier. You would first have to get the premises licensed and have controlled all the premises before you got that licence. Once you have the licence, the maximum you could have for that premise is 100. You must refer back always to the licence and to the conditions of obtaining the licence. I just asked the same question as the member for Hayward: what do 100 machines look like? How would that compare with say, the South Sydney Junior Leagues Club, although it must have been 20 years since I have been there. The person I asked said that in the ACT there are clubs with 1 500 machines. In talking about 100, therefore, we are talking about fairly small beer compared to interstate operations. There are 750 in the Casino.

We are really talking about a small number of machines compared to what we imagine these pokie palaces to be. My understanding is that it is unlikely that clubs will reach 100 within a number of years, so I do not believe it is too onerous to the industry. If they want to build something big and splendid, they can come back to Parliament for some further approval. That is reasonable.

Mr S.G. EVANS: I do not oppose the amendment, but all through this debate over the past 12 months or so I have mentioned one group that I thought might need some consideration to have a greater number and, if it had the opportunity, I think it would. I believe that the racing industry has been badly affected by X-Lotto, by scratch tickets, by Keno and all the different forms of gambling. I think that a building such as Morphettville Racecourse could operate seven days a week, and 100 machines in there would most probably not be a lot. It could have a big effect on the racing industry as a bit of a boost.

You would not need that many machines at the dogs or the trots, but I see it as one possibility. I am not saying that I oppose the amendment: I am just raising it in this debate so that those in that industry can come back at a later date and say that it does have the opportunity to do better by having more machines, and I hope that Parliament will give it some consideration. In saying that, I want members to realise that the racing industry has no time for me. It never gives me a plug.

The industry did not like it when I told it in the mid-1970s, as shadow Minister, that it had the privilege of gambling but that, if it did not look after it, other forms of gambling would come in and the industry would suffer. It virtually told me to go to hell, and has held it against me ever since and now, perhaps, I can laugh and say, 'I told you so'. Now it is time to go in another direction.

However, that is the history of that. I thought it time to put that on the record because that is how that industry feels towards me. All I said was that it must realise that Parliament is giving it a privilege in gambling on the races that other sporting groups do not have, except the dogs and the trots, and it needs to look after it and think about it, because it may not always be there as an individual opportunity. I can smile sometimes.

The Hon. J.C. BANNON: I think there is a *quid pro quo* in all these things. The fact is that the racing industry, through the extension of the TAB to pubs and clubs, has enjoyed a considerable benefit. Okay, the current debate is based around declining attendances on the racetrack itself, and all sorts of arguments can be generated about that. We have had inquiries going back 20 years now that have looked at how that might be addressed, and it is an ongoing issue. In terms of outlets for access to betting on the races, they have been greatly extended. They have even invaded my local pub. I do not use them, but people obviously do and, therefore, as I say, there is a *quid pro quo* and I do not believe that there is a case for making some special arrangements in this Bill in relation to racecourses.

Mr INGERSON: I rise to support the amendment. I think that there is no question, when you look at the hotels and clubs, that there are very few instances in this State where more than 100 machines would be desirable or required, both from a community point of view and from a financial point of view. For 100 machines we are really talking about $1 million, and very few clubs that I know of in this State would be able to find $1 million. In supporting this amendment, I recognise that there may be instances such as for the proposed racing auditorium and other future developments where we might be asked to look at that and, when that happens, this Parliament, which has had a history of recognising and debating it, will do so. I thoroughly support the amendment and hope that it is carried.

Mr GROOM: I support the amendment. I believe it is appropriate that limitations of this nature as proposed by the Premier be put in place.

New clause inserted.

Clause 16—'Plurality of licences.'

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

Page 7—

Line 38—After 'premises' insert 'where those parts are each subject to a separate liquor licence'.

Line 39—After 'held' insert 'by separate persons'.

These amendments are consequential.

Mr S.J. BAKER: I have a concern about the interpretation of this amendment, which provides 'where those parts are each subject to a separate liquor licence'. If there are two liquor licences, does that mean people can have two gaming machine licences?

The Hon. FRANK BLEVINS: My understanding is it clarifies that there can be only one gaming licence for one liquor licence.

Amendments carried; clause as amended passed.

Clause 17—'Form of application.'

Mr S.J. BAKER: I note that there are no means by which an application can be updated or modified. The licences are to be one-off, but there does not seem to be any update mechanism. I again refer members to section 24 of the Victorian legislation (page 18), which refers to the updating and modification of licences. Is that particularly important in terms of the licensees and the people who can operate these gaming machines?

The Hon. FRANK BLEVINS: I had some difficulty picking up the question clearly. As it is a question rather than an amendment, I will examine *Hansard* and get back to the Deputy Leader later.

Clause passed.

Clause 18—'Certain criteria must be satisfied by all applicants.'

Mr S.J. BAKER: The Police Commissioner raised queries in relation to both clauses 17 and 18. In terms of this clause he states:

> One of the phrases used which the Liquor Licensing Commissioner must be satisfied of where a body corporate is the applicant is that each person who occupies a position of authority in the company is fit and proper. This phrase is not defined and it should be defined in the definition of Part V of the Liquor Licensing Act.

Will the Minister comment on that provision?

The Hon. FRANK BLEVINS: There is an amendment which I believe satisfies that question.

Clause passed.

Clause 19—'Special criteria for gaming machine technicians.'

Mr S.J. BAKER: The Police Commissioner also raised a question about this clause, as follows:

> Clause 19 requires an applicant for a gaming machine technician's licence to have appropriate experience or qualifications. In addition, it is essential that these people be fit and proper persons to be permitted to service machines. Being lawfully able to gain access to the workings of these machines, there could be a temptation or pressure to make alterations to avoid either tax or payouts. I doubt whether the monitoring system will be a complete safeguard against such devices.

I presume the Police Commissioner is reflecting on the fact that there will be temptation put in the way of technicians who will be fixing the machines and who will probably be most adept at crossing wires and making alterations. I am not sure whether the Commissioner wants special provisions or safeguards put in the legislation in regard to technicians, but he does raise that matter.

The Victorian legislation provides for apprentices to work on the machines under guidance, but this legislation contains no such provision. I would have thought that, if we were to have people skilled in this area, there would be some provision in the legislation. I have two questions. First, does the Minister feel that there should be special provisions relating to the conduct of gaming technicians as a result of the observations of the Police Commissioner? Secondly, should there be a provision for apprentices?

The Hon. FRANK BLEVINS: I believe that the Police Commissioner's comments have been covered in the Bill. Under clause 18, all applicants must satisfy the Commissioner by such evidence as the Commissioner may require, and clause 19 merely states that people have to have experience or qualifications. If an apprentice had sufficient experience and qualifications to do the job under supervision, the Liquor Licensing Commissioner would say, 'Okay.' If they could not demonstrate that, the Liquor Licensing Commissioner would say, 'No'.

Clause passed.

Progress reported; Committee to sit again.

[*Sitting suspended from 6.30 to 8.38 p.m.*]

DISTINGUISHED VISITORS

The SPEAKER: I notice in the gallery members of the visiting German parliamentary delegation. I invite Herr Cronenburg, as leader of the delegation, to take a seat on the floor of the House.

Herr Cronenburg was escorted by the Hon. J.C. Bannon and Mr S.J. Baker to a seat on the floor of the House.

GAMING MACHINES BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3727.)

Clause 20 passed.

Clause 21—'Minors not to hold licence, etc.'

Mr S.J. BAKER: I asked a question previously about the status of apprentices. How will the situation of minors who are apprentices be dealt with under the legislation? Will anyone who is an apprentice under the prescribed age of 18 be automatically excluded from holding a licence or having any right to conduct themselves on any of these licence issues?

The Hon. FRANK BLEVINS: No. However, if it proves to be a difficulty, we can always revisit it. For example, an apprentice machine technician would have to prove to the Liquor Licensing Commissioner that he or she has the appropriate experience or qualifications. That may be difficult to do, even under the supervision of someone who is qualified. Nevertheless, it is a point worth pursuing. If it is felt that some special provision for apprentices needs to be made at some time in the future, I am sure that the House would cooperate in passing an amending Bill.

Clause passed.

Clause 22—'Discretion to grant or refuse application.'

Mr LEWIS: What is it that the Minister imagines or believes should be included in the category of reasons why the Commissioner would refuse an application for a licence? This clause, as members might like to consider, simply provides that the Licensing Commissioner has absolute discretion to grant or refuse an application. 'Unqualified' is the term used in the clause for any ground or reason whatsoever. I do not know of any other set of circumstances in which a licence to print money can be granted on such arbitrary terms. It is entirely subjective, left completely to the discretion of one person. It is for that reason I believe we should have, at least on the record, the sorts of reasons which the Minister believes ought to be used as grounds for

refusing to grant an applicant a licence to have gaming machines on his or her premises.

The Hon. FRANK BLEVINS: This is a very strong part of the legislation, and I think necessarily so. The provision mirrors that in the Liquor Licensing Act for the same reason, but at all times the Liquor Licensing Commissioner must, of course, act within the general framework of the Act. For example, he could not refuse somebody because they might have the wrong colour eyes; it would have to relate to the activity that we are attempting to control and, of course, an appeal can be made by the aggrieved person to the Casino Supervisory Authority. But it may well be that information was received from the Commissioner of Police about a certain individual or an individual's family, and the Commissioner would advise the Liquor Licensing Commissioner to refuse the request of that particular individual. That is the reason for it.

An appeal can be made to the Casino Supervisory Authority and, again, it is a provision about which I have heard in the Liquor Licensing Act, not that I have any personal control over the Liquor Licensing Commissioner. I have not heard that it has caused any problems, nor is it something with which I understand the industry has any difficulty. I could toss names around the Parliament, but I do not think that would be very appropriate. However, everybody here can use their imagination. They would know the type of information which could be passed by the Commissioner of Police to the Liquor Licensing Commissioner, which I believe would compel the latter to refuse that person's application.

Clause passed.

The CHAIRMAN: The Deputy Leader has circulated amendments to clause 23. The first amendment circulated (to leave out 'The' and insert 'Subject to subsection (2), the') is a very limited amendment, but I think that, for the purposes of the Committee, it would be desirable for the Deputy Leader to canvass the terms of his subsequent foreshadowed amendment which is of more substance, to allow the debate to proceed more efficiently. Of course, the Chair would then put the first amendment, and that would serve as a test case for the other amendments.

Mr S.J. BAKER: I move:

Clause 23, page 9, line 24—Leave out 'The' and insert 'Subject to subsection (2), the'.

I appreciate your guidance on this matter. In moving this amendment, I treat it as a test case. What I have attempted to do with the further amendments, which I will raise now rather than later, is to put some substance behind the Independent Gaming Corporation. One of the criticisms which almost all members of Parliament have had about the Independent Gaming Corporation is that it is a phantom body. It has plenty of status under the Act, but it has very limited description as to what it actually comprises. The subsequent further amendment is as follows:

After line 29—insert new subclause as follows:

(2) Nothing in this section will be taken to prevent the grant of the gaming machine monitor licence to some other person or authority in the event of the Independent Gaming Corporation not being granted the licence or, if it is granted the licence, in the event of the licence being surrendered or revoked pursuant to this Act.

Further, there is a new subclause which provides:

(2) The Independent Gaming Corporation will not be granted the gaming machine monitor licence unless its memorandum and articles of association—

(a) make provision for—

(i) the Commissioner to be a director; and

(ii) the other directors to include persons who represent the interests of hotels and licensed clubs.

I have set down a number of conditions there. I believe that it is absolutely imperative that we give substance to the IGC. I do not believe that it can remain a body that does not have some description. In the process of drawing up these amendments, I have attempted to give the IGC a body and a recognition point within the Act which is not present today. It is absolutely vital that the people reading this legislation understand what the IGC is and what its major aims and functions are, and I will move a further amendment later dealing with particular provisions which should prevail if the IGC were to experience difficulty.

Through these amendments I am attempting to detail what I understand the IGC to be. I understand that it will be a body that will operate in the best interests of the hotel and club industry. I understand that it is a body equipped to monitor the performance and use such monitoring devices as to be able to gauge the revenue flow within the system. I believe that it is a body which will advise its membership, or the people who make up the hotel and licensed club industry, as to the way in which they should approach the introduction of gaming machines to their maximum advantage and not be left to their own devices.

Whilst these amendments may not be specific, they are specific to the extent that I believe it is important that the Licensing Commissioner be on the board and, if he is not, he should nevertheless be able to provide that natural liaison between the IGC and the liquor licensing control. It is important that we ensure that the IGC does not change shape or texture to the extent that it excludes those who have a fundamental interest in hotels and clubs. I admit that these amendments could be better, but I drew them up in the absence of other information to describe the IGC, so that people were reminded of what the organisation represents, how it is meant to operate and under what conditions it shall operate. I commend the amendment to members.

The Hon. FRANK BLEVINS: I oppose the amendment. The IGC is incorporated under the Associations Incorporation Act and is subject to that raft of legislation. The IGC's accounts and so on will be subject to the full scrutiny of Parliament. If any member feels that there is anything untoward or that the directors are awarding themselves fees over and above what is appropriate, we will have the ability to examine that and, if Parliament wishes, to have action taken. For the Commissioner to be a director is not practical. The Commissioner cannot regulate the industry and be a director of a company that has a vested interest in the industry.

Some of the provisions in the amendments are parenthood statements: for example, that the corporation will, in carrying out its undertaking, seek to minimise its operating costs. Obviously, any company has that obligation. The same is true of the other provision: that the corporation, in carrying out its undertaking of supplying gaming machines, will seek to do so in an efficient and cost effective manner so as to maximise benefits to the holders of gaming machine licences to whom the machines are supplied. Obviously, there is an obligation on all companies to maximise benefits to the people concerned. I do not see that that adds anything at all.

The company will be open to the scrutiny of Parliament. Any company in that position would be rather foolish to do anything untoward. I can pretty well guarantee that this company will be the most scrutinised company in Australia. It is rare for a company to be subjected to this amount of oversight. I think it is appropriate that it is, and I am sure that the company will have no objection. Even if it does have an objection, the Parliament will make the decision for it if the Parliament so chooses. I understand what the

Deputy Leader is attempting to do, but I believe it is more than adequately covered.

Mr S.J. BAKER: The Minister may be satisfied, but I am not. He said that the Independent Gaming Corporation will be subject to the direct scrutiny of the Parliament. I cannot find that in the legislation, so I ask the Minister to provide me with that information. The IGC is being granted a very privileged position under this Bill. Members will be aware that whenever an organisation is granted a monopolistic privilege by the Parliament—we have had it with trustee companies, banks, universities and the Gas Company—it is normal for information on the role and responsibility of that body to be provided to the Parliament.

I emphasise that the IGC has body—it has not been produced out of thin air; it has some responsibilities, and it will not hurt for the Bill to spell out some of those responsibilities or for the Parliament to specify its expectations of that body. In fact, it is quite appropriate because of the singular position that has been granted to it under this legislation. If the Minister wishes to deny me the amendment, I shall not take it to a division. However, I shall pursue it in another place.

The Hon. FRANK BLEVINS: I have amendments on file to clause 67 which clearly spell out the audit requirements for a gaming machine monitor licence. I will not canvass it now: when we get to that clause I will move it, and I am sure that the Deputy Leader will appreciate the provision. It will also make the undertaking subject to the Auditor-General. Also, I have on file amendments to the schedule which likewise deal with the question raised by the Deputy Leader. I point out that in paragraphs *(a)* and *(g)* of the schedule, without the amendments, provision is made for any conditions to be inserted in the licence that the Liquor Licensing Commissioner requires. Nevertheless, to spell it out, the amendments are on file.

Amendment negatived.

The Hon. FRANK BLEVINS: I move:

Page 9, line 29—
After 'the' insert 'first'.
After 'licence' insert 'issued under this Act'.

If the Independent Gaming Corporation falls over, the ability is there to deal with that situation. It is arguable whether it was in the Bill or not, but to make it clear the amendment is put before the Committee. As the IGC is mentioned, I should like to make one comment on the Independent Gaming Corporation. It could be taken that I am referring to a previous clause and that I had forgotten to answer the question by the Deputy Leader. However, the comment was that we are granting a privilege to the IGC. I point out that no privilege is being granted to the IGC other than the right of first refusal. The IGC has to comply with every provision. If anybody else applied subsequent to the IGC for a monitor's licence, there would be no difference in the Liquor Licencing Commissioner's requirements on those other bodies. The privilege is purely a right of first refusal.

Mr S.J. BAKER: I am fascinated. As the Minister inserts 'first', I presume he still adheres to the policy that it shall be one monitoring licence. That is now subject to some doubt given that we have 'first' in there. As regards the right of first refusal, I suggest the Minister should read his own Bill. The Bill says 'shall be granted'.

The Hon. Frank Blevins: It is subject to.

Mr S.J. BAKER: The Minister says 'It is subject to.' I am aware of the 'subject to's', but the clause clearly says 'shall be granted'. To that extent, I am sure that the Minister can explain himself particularly well. Does the fact that the Minister now has 'first' in there raise the question about whether other gaming machine monitor licences will be issued?

The Hon. FRANK BLEVINS: Certainly. For practical purposes, my advice was to have only one monitoring licence. Theoretically, you could have any number, but it would make it much more difficult for the Liquor Licensing Commissioner to oversee the operation of the monitoring licensee and that body's activities. It is purely for practical purposes that the single licence is being granted but, whilst I concede that it is a monopoly and that we do not like monopolies, this particular monopoly can do nothing that the Government does not want it to do.

Mr S.J. BAKER: Why has the Minister actually moved that amendment, given that later amendments will give the Licensing Commissioner the ability to grant a licence to another person should the IGC fail to perform? Why was it necessary to insert the 'first' gaming licence under the conditions, given that the Minister also said that it is the right of first refusal and not a granting?

The Hon. FRANK BLEVINS: I do not think that there is a lot I can add. The amendment is purely for clarification. In discussions I have had prior to the Bill's coming before Parliament, it had been thought that this position was not clear; that, rather than argue the point, particularly when you are in the middle of several lawyers, it is easier to move the amendment. Where there is substantial doubt, it is worth spelling it out. I do not think that it does any harm at all.

I am not quite sure what the Deputy Leader wants from me as regards my saying that the Independent Gaming Corporation is being granted, in effect, only right of first refusal. It is in the Bill. The Commissioner has to be satisfied as to the matters specified in sections 18 and 20. The IGC must comply with what the Commissioner would want from any applicant for a monitor's licence. Without going through that whole debate again as to why the industry ought to have the right of first refusal, all we are saying is that, if the Independent Gaming Corporation does comply with the Commissioner's requirements and the Commissioner is satisfied, the answer will be 'Yes'. If it does not comply the answer is 'No' and it goes elsewhere.

Mr GROOM: I want to support the Minister's amendment: it is sensible and practical. It is there to ensure that there is a default clause should the licence not be granted to the Independent Gaming Corporation or should the licence be revoked or suspended in any way. Clarity in legislation is there to avoid litigation and to avoid a vacuum that might otherwise arise. It is a sensible and practical amendment that should have the support of all members.

Amendments carried.

The CHAIRMAN: I take it that the honourable member is not proceeding with the other amendments, which are consequential.

Mr S.J. BAKER: No, I withdraw those. They are consequential. While we are on clause 23, will the Minister read to this Parliament the memorandum of association of the IGC?

The Hon. FRANK BLEVINS: I do not happen to have it in my pocket, but I will provide whatever the Deputy Leader wants. I should have thought the question better directed to the IGC, but, whatever information he wants that is available, I will obtain for him.

Mr S.J. BAKER: As I noted, the IGC plays a very special role under this Bill, and the Minister would be well aware of the controversies that have raged around the IGC. I should have thought it appropriate that he have it in his pocket so that he could tell the Parliament exactly what its aims and desires were and what the organisation intended to do. I should have thought that it is basic information

that should have been supplied to the Parliament, but I accept that the Minister will be supplying the articles of association for all members to peruse prior to the Bill's being debated in another place.

The Hon. FRANK BLEVINS: I draw the Deputy Leader's attention to a publication distributed to all members, outlining in great detail the aims of the IGC, the way in which it will operate, what it will do, etc. I am sure that that will give the Deputy Leader the background to answer those questions.

Mr S.J. Baker: I've read that. I want to see how it's incorporated.

The Hon. FRANK BLEVINS: The Deputy Leader says that he has read it, in which case he will know a great deal about it and, I am sure, endorse the aims and aspirations of this organisation. I am surprised that the Deputy Leader suggested that I ought to have a copy of the articles of association in my pocket—and I think he was joking. However, I will supply those if they are available under the Corporations Act.

Clause as amended passed.

Clause 24—'Conditions.'

Mr S.J. BAKER: Under section 36 of the Game Machine Control Act of Victoria, there is provision to deal with amendment of conditions. We do not have a similar clause, and I presume that clause 24 of our Bill would be the appropriate place in which to insert such a provision. Will the Minister look at that provision in the Victorian Act? I am a little concerned that there is not sufficient provision in the Bill before us to amend rules.

The Hon. FRANK BLEVINS: We will have the right to vary. Clause 24 provides:

> (4) Subject to this section, the Commissioner may, by notice in writing addressed to the licensee, vary or revoke any condition of a licence or impose further conditions on the licence.

That seems to spell out fairly clearly that the Liquor Licensing Commissioner can vary.

Mr S.J. BAKER: The clause sets out the way in which these things are done. Whether or not the Minister wants to do it by regulation or under the Bill, I think it would be appropriate to look at it. Whereas licences have to be displayed in South Australia, the rules also have to be displayed in Victoria. Section 79 of the Victorian legislation provides:

> A venue operator must display in a prominent place at the licensed premises a copy of the rules made by the Commissioner under section 78 as enforced from time to time.

Does the Government intend to follow a similar course, or is it intended not to display the rules?

The Hon. FRANK BLEVINS: I am not quite sure what displaying the rules in that way would add. Considering the way this Bill is framed, if the Liquor Licensing Commissioner wished them to do that, if it was thought that there was any merit in it, he certainly has the power to do that at least, and a lot of other things also.

Mr S.J. BAKER: The rules under the Victorian legislation are clear to anyone who wishes to enter premises and concern entry into restricted areas, the dress requirement in restricted areas, sobriety in restricted areas, security in approved venues, services provided by venue operators, procedures for the resolution of disputes concerning the payment of winnings and any other matter relevant to the conduct of gaming. They are fundamental behavioural and fair play rules, and I would have thought that it was absolutely appropriate to ensure that they are displayed. I would like to think that we will see that provision in the South Australian legislation.

The Hon. FRANK BLEVINS: I do not know that there is much I can add. The Liquor Licensing Commissioner certainly has the power to do that if it is deemed to be necessary. When the clubs and hotels are operating these gaming machines, if the Deputy Leader or any other member feels that there is some good reason for that to occur, they can certainly approach me, the Liquor Licensing Commissioner or raise it in the Parliament. We do have the power to do it.

Clause passed.

Clause 25—'Certain gaming machine licences only are transferable.'

Mr S.J. BAKER: Section 42 of the Victorian legislation caters for the updating of an application for a licence. Our legislation does not contain a similar provision, and I ask the Minister to look at this matter before it is dealt with in the other place.

The Hon. FRANK BLEVINS: As I said, we do have the power to vary an application.

Clause passed.

Clause 26—'Certain applications require advertisement.'

Mr S.J. BAKER: The comment made about this clause by the Police Commissioner is as follows:

> The clause requires an applicant to give notice of the application by newspaper or in the *Government Gazette*. Clause 26 (3) permits the Liquor Licensing Commissioner to dispense with or modify an advertisement requirement. It does not seem to me that there should be a need to waive these requirements. I cannot see how there would be an urgency to get gaming machines in place. I consider it very important that adequate public notice is given to permit interested parties to take objection under clause 27.

I agree with the Commissioner's comments. He continues:

> Indeed, for me to fulfil my obligations under clause 28, in particular to be able to lead evidence on possible public disorder or disturbance, I will need adequate time.

This clause contains the waiver provision that the Police Commissioner is not totally happy with, and neither am I. Will the Minister explain why he wishes to have this 'get out' clause in the legislation?

The Hon. FRANK BLEVINS: It mirrors the provision in the Liquor Licensing Act. It is used very rarely when somebody inadvertently misses a newspaper deadline or something like that. It is not a provision that is well used at all, but it is wisely used and is very helpful to the business concerned. It is a discretion for that odd day when somebody inadvertently misses a *Gazette* or newspaper deadline.

Mr S.J. BAKER: I can understand why deadlines are missed. However, we are only a week away from the next *Government Gazette*. I think that the Police Commissioner has made quite a powerful point: the public does deserve to know. It should be a requirement and the rules should not be bent through a lack of observance of the rules. I do not believe that it is appropriate to have the clause as it stands which, in subclause (3), provides:

> The Commissioner may, in an appropriate case, dispense with or modify a requirement of subsection (2).

I believe that the Police Commissioner makes a very important point, and I would ask that this matter be looked at again. If it is believed that there are some unusual circumstances, the Commissioner should have to justify those circumstances in his report if there is any variation. I would ask the Minister to look at that provision. If there is a 'get out' clause it has to be substantiated and cannot just lie as something that is available to the Commissioner, if there is bad practice, to somehow waive that bad practice and say that it is in his discretion under clause 26.

The Hon. FRANK BLEVINS: Under the Liquor Licensing Act this provision is used once or twice a year. If in those circumstances the Commissioner of Police was not happy with those one or two occasions, he could take it to the Casino Supervisory Authority and, through that body, get some resolution of the matter. I take the point that the

Deputy Leader has made. I know the Liquor Licensing Commissioner has made a note of it and will certainly ensure that the provision is used absolutely to the minimum. I am sure that, if the Police Commissioner feels that it has been used inappropriately, he will draw it to the Minister's attention.

Clause passed.

Clause 27—'Objections.'

Mr S.J. BAKER: Sections of the Victorian legislation deal with this and the next clause in more detail. I ask the Minister to look at sections 20 and 21 of the Victorian legislation because they contain some rules laid down for objection which are not contained in our legislation, and they are far more explicit in terms that one can object to rather than the bland provisions under this Bill.

The Hon. FRANK BLEVINS: It is a question of style. I much prefer our style rather than laying down any prescriptions for the Police Commissioner as to how, why, where and for what reason. We just give the Police Commissioner a blanket go that he can intervene in any proceedings at any time. There is no restriction on the Police Commissioner.

Clause passed.

Clause 28—'Intervention by Commissioner of Police.'

Mr S.J. BAKER: Does the Minister envisage that all applicants for licences will be fingerprinted?

The Hon. FRANK BLEVINS: Yes. The provision is under clause 17 (6).

Mr S.J. BAKER: Clause 17 (6) provides:

> The Commissioner may require an applicant to produce to the Commissioner specified documents that are, in the Commissioner's opinion, relevant to the application.

The Hon. FRANK BLEVINS: That means fingerprints and photographs.

Mr S.J. BAKER: The Committee can judge for itself: it states nothing at all about fingerprints. How can the Committee interpret that as referring to fingerprints? Perhaps the Minister will elucidate; perhaps he can tell us exactly how documents include fingerprints. The only possible conclusion I can draw is that people will have to hand them over personally so that fingerprints can be taken from the documents.

The Hon. FRANK BLEVINS: I am assured that, under this provision, fingerprints, photographs and anything else that the Commissioner requires is included. In relation to the Casino, we have the same requirement for the Police Commissioner, and the Liquor Licensing Commissioner has the same requirement in relation to fingerprints and photographs. There is no provision, but such is the wide-ranging nature of the legislation that the Liquor Licensing Commissioner can ask for anything at all, and does. Perhaps I can also draw the Committee's attention to clause 18 (1), which provides:

> An applicant for a licence must satisfy the Commissioner by such evidence as the Commissioner may require—

That is what makes this style of legislation the toughest in Australia.

Mr S.J. BAKER: I remind the Minister that legislation is tough only if its provisions are in writing. When it is left to everyone's discretion, there is nothing tough about a piece of legislation. If the Minister is saying that he will ensure that the Commissioner is provided with a photograph and fingerprints for all licences, I will let that matter rest. I will be assured that some of the normal procedures will be followed, particularly in relation to gaming machines.

The Hon. FRANK BLEVINS: The Committee certainly has my assurance, as it has my assurance that that is what occurs in the Casino, even though there is no specific provision for it. Both the Casino Act and this legislation are written in such a way as to permit the Commissioner of Police and the Liquor Licensing Commissioner to call for anything.

Clause passed.

Clauses 29 to 31 passed.

New clause 31a—'Cessation of gaming machine monitor licence.'

Mr S.J. BAKER: I move:

Page 12, after clause 31—Insert new clause as follows:

31a. In the event of—

(a) the gaming machine monitor licence being revoked, suspended or surrendered;

or

(b) the holder of that licence ceasing for any reason to carry on the undertaking authorised by the licence,

the Commissioner or a person authorised by the Commissioner for the purpose may—

(c) enter the premises in which the monitor system is situated;

(d) take possession and assume control of the system;

and

(e) operate the system until such time as the suspension terminates, or a further licence is granted to some other person or authority, as the case may be.

This proposed new clause provides that, if the organisation holding the gaming machine monitor licence falls over or fails for whatever reason, there is a means of maintaining the system by intervention of the Licensing Commissioner, and therefore we do not have a hiatus in the system.

The Hon. FRANK BLEVINS: I support the amendment and commend it to the Committee. It is a good amendment. Because the Liquor Licensing Commissioner has the power of direction in these areas, it is conceivable that he could have directed the people to leave the premises while he took over. However, I prefer the amendment to something that perhaps stretches the direction further than one would want. We would not want to do it other than in an emergency. I urge the Committee to accept this sensible amendment.

New clause inserted.

Clause 32—'Revocation or suspension of licences, etc.'

Mr GROOM: The object of this clause was to include a person who occupies a position of authority but who may, as a consequence of nomination for office later hold a position. The Minister's amendment to clause 3 adequately covers this, so I do not propose to proceed with my amendment.

Mr S.J. BAKER: Likewise, I withdraw my amendment which was consequential on a previous amendment concerning the IGC.

Mr GROOM: I move:

Page 13, line 5—Leave out '21' and insert '7'.

The object of this is to shorten the time. It can be extended for such longer periods as the Commissioner may in any particular case allow. I would have thought that 21 days was a very long period of notice for matters of this nature. Sometimes very decisive action ought to be taken and should be taken. I am reminded of the former Attorney-General (Peter Duncan) when he reported to this House about the activities of one Saffron when there was actually little evidence relating to Mr Saffron but very strong suspicions and a very strong police report which Mr Duncan, as Attorney-General, tabled in this Chamber. It had the effect of keeping Saffron out of South Australia. Sometimes seven days is an adequate period of notice. Twenty-one days is a very long time, and can be extended by legal delays and disputes. There is power to allow such longer period as the Commissioner may in any particular case allow.

The Hon. FRANK BLEVINS: I oppose the amendment. It appears to me that the amendment is probably unduly tough on the industry. I do not believe that seven days is

sufficient time to prepare a defence but, in any event, if the Commissioner feels that the situation requires immediate action, the Commissioner does have the power to suspend pending the determination of disciplinary proceedings. I think the member for Hartley is being a little tough on the industry.

Mr Groom: I will not press too hard.

The Hon. FRANK BLEVINS: I urge the Committee to reject the amendment.

Amendment negatived.

Mr GROOM: I move:

Page 13, after line 7—Insert new subclause as follows:

(3) The Commissioner must notify the Commissioner of Police of any proceedings under this section and give him or her reasonable opportunity to make submissions on the matter.

I move to insert this new subclause because of the Police Commissioner's report in relation to tighter control; obviously it is a disciplinary measure. Where there is a proposal to revoke a licence, the Commissioner of Police requested notification, and this is in mandatory terms. It is in the Police Commissioner's report and I think it is reasonable.

The Hon. FRANK BLEVINS: I agree.

Mr S.J. BAKER: I do, too.

Amendment carried.

The Hon. FRANK BLEVINS: I move:

Page 13, after line 7—Insert new subclause as follows:

(4) On giving notice to a licensee pursuant to subsection (2), the Commissioner may, in the same or a subsequent notice, suspend the licence pending determination of the disciplinary proceedings.

I believe that this is in the nature of tidying up; it is a worthwhile clarification.

Mr S.J. BAKER: I support that amendment. It answers some of the questions raised by the member for Hartley, who wanted a shortened period of response.

Amendment carried; clause as amended passed.

Clauses 33 and 34 passed.

Clause 35—'Commissioner may approve gaming machines and games.'

Mr S.J. BAKER: Interstate legislation requires each machine to be uniquely numbered and the identification clearly shown. Regarding the control of unprotected devices, I refer the Minister to sections 72 and 73 of the Victorian Act, and I ask him to look at those provisions before the legislation is debated in another place.

The Hon. FRANK BLEVINS: I will certainly take note of that and have a look at it. If the legislation finally passes in terms of the preparation by the Liquor Licensing Commissioner and so on, if members who have an interest would like to have a briefing from time to time as to how it is being done, I would be only too pleased to arrange that.

Clause passed.

Clauses 36 to 40 passed.

Clause 41—'Offence of breach of licence conditions.'

Mr S.J. BAKER: I move:

Page 15, line 4—Leave out all words in this line and insert the following:

Penalty: In the case of an offence committed by the holder of the gaming machine monitor licence—division 2 fine.
In any other case—division 3 fine.

This provides a tougher penalty in terms of the monitoring licence. There is a good reason for that. I believe that a division 2 fine rather than a division 3 fine should be the penalty. It is an important area; it cannot be subject to any misuse or abuse. It is the key area of the whole operation, and I think that any transgression should be penalised accordingly.

The Hon. FRANK BLEVINS: I agree with that but, of course, there is a stiffer penalty for the holder of the monitoring licence, that is, the withdrawal of the licence. I am sure that would be far greater, but I am always happy to increase these fines.

Amendment carried; clause as amended passed.

Clauses 42 to 48 passed.

Clause 49—'Minors not permitted in gaming areas.'

Mr GROOM: I move:

Page 17, line 17—After 'machine' insert 'and those winnings are forfeited to the Crown'.

I move that the winnings are forfeited to the Crown simply because it is in the Police Commissioner's report and as a matter of clarity.

Amendment carried; clause as amended passed.

Clause 50 passed.

Clause 51—'Powers in relation to minors in gaming areas.'

Mr GROOM: I move:

Page 18, after line 10—Insert new subclause as follows:

(5) If a person re-enters a gaming area within 24 hours of being required to leave it, or of being removed pursuant to this section from the licensed premises in which the gaming area is situated—

(a) the person is guilty of an offence;.

Again, this springs from the Police Commissioner's report. Basically, it will be an offence if a person returns within 24 hours. That is as requested by the Police Commissioner. It is a tighter control.

The Hon. FRANK BLEVINS: I oppose this, purely on the basis that it is already covered by clause 60, read in conjunction with clause 49. I oppose it only on the basis that it is already there.

Mr S.J. BAKER: How long can a person be banned from, first, the premises or, secondly, from any premises in which these devices operate? There are occasions when people are banned virtually for life, or for a very long period from the Casino.

Mr Ferguson: So they should be.

Mr S.J. BAKER: So they should be, yes. Some people attempt to cheat at the Casino, and they have a lifetime ban imposed on them. It is much more difficult in the situation facing holders of gaming machine licences. However, is there a discretion for a person to be refused entry to any of these premises?

The Hon. FRANK BLEVINS: The intent is that the licensee does the barring and, if the person does not agree with that barring, that person has the right to go to the Casino Supervisory Authority on appeal.

Amendment negatived; clause passed.

Clause 52—'Commissioner or licensee may bar excessive gamblers.'

Mr S.J. BAKER: On a number of occasions transgressors who fail in one premises will move to the next one. In the case of the Casino, there is nowhere else to go: people cannot go to another casino in South Australia. They would have to fly interstate to use casino premises elsewhere. In South Australia, all that will be available to literally hundreds of establishments, when they strike a malcontent or someone who wishes to beat the system, is to go through the processes of banning that person from entering the premises. It is a very inexact science, but how can we ensure that, if that person does enter another premises, some penalty is imposed upon them?

The Hon. FRANK BLEVINS: No, there is not a provision. It is not a practical proposition. There will be goodness knows how many outlets that a person can go into, but I believe we are the first State to even make any attempt in this area. I recognise that the result of this provision will not be very great. A person can go next door, but at least

we are making a start, and it may well be that, as time goes on, we find more effective ways of doing it. I cannot think of any at the moment. It is not practicable if hundreds of people are being barred from premises where there are poker machines. Licensees in every licensed premises in South Australia with poker machines cannot have walls covered with photographs. It is just not practicable. At least, I think we are making some attempt, however imperfect.

Clause passed.

Clauses 53 to 59 passed.

Clause 60—'Power to remove offenders.'

Mr S.J. BAKER: I note that the Police Commissioner believes there should be some explicit areas from which people can be removed. In his submission he says:

> The holder of a gaming machine licence or an approved gaming machine manager may remove a person from licensed premises who has—
>
> 1. damaged or physically abused any gaming equipment;
> 2. committed or is committing or is about to commit an offence;
> 3. or is behaving in an offensive, abusive or disorderly manner.

He goes on to say:

> While clause 60 (5) preserves other powers, I believe it is desirable that police officers are specifically empowered under this section to remove people in the circumstances listed. The power given by this clause is wider in some ways than similar powers in section 128 of the Liquor Licensing Act and sections 73 and 74 of the Summary Offences Act.

The position being laid down is that the legislation should act as a guide to the Police Commissioner and to the Liquor Licensing Commissioner in the dispensing of their duties. There should be specific provisions to guide them in the way that they treat offenders at a particular time.

The Hon. FRANK BLEVINS: I have taken note of the Police Commissioner's comments. I do not believe that the comments are such as to warrant any amendment to the Bill. In the day-to-day workings of the industry, I am sure that we will learn many things that will be of assistance to the police or licensees or any other people involved in the industry. If the Act, as it will be, requires certain amendments, they will come before the Parliament in the normal course of events. As I said earlier, we do that all the time. I believe that the powers are sufficiently broad enough to ensure that the industry operates in an orderly manner and that the powers are available for the police to assist the industry in removing people and keeping them out if they do not behave.

Mr S.J. BAKER: I appreciate what the Minister has said. With the indulgence of the Committee, I should like to read something that has just come to my attention. It deals with offenders, but it canvasses some wider issues. The Adelaide Central Mission raises questions about people who are seriously at risk because of their welfare problems and gambling addictions. It asks whether a professional counsellor or medical practitioner can ban an addictive gambler, as with the Casino. Can a person request to be banned?

These questions relate to offenders who more naturally belong under clauses 52 and 53. Under what conditions can the holder invoke an order to ban? Compulsive gamblers are extremely devious and will present plausible reasons to be allowed to re-enter premises. Can other persons, after banning, remain in the premises in other areas such as those which are supplying Keno or TAB? There are some general questions about the welfare side. They are not offenders as such, except perhaps to their families. The Adelaide Central Mission raises these questions in terms of asking whether there can be some means of implementing a social constraint policy in relation to these machines. Has the Minister considered that situation?

The Hon. FRANK BLEVINS: The short answer is 'No, not by legislation.' The trouble is that with a multiplicity of outlets it is not practicable to attempt to make any serious attempt to keep people out if they choose to go in. All the other social controls that are available in the community are suitable for use here. The sheer diversity of the number of outlets makes any other control very little more than token.

Clause passed.

Clause 61 passed.

New clause 61a—'Review of certain actions of gaming machine dealers.'

Mr GROOM: There is a heading—

The CHAIRMAN: If this new clause is adopted, the Chair will treat the heading as a clerical amendment.

Mr GROOM: I move:

> Page 21, after line 2—Insert new clause as follows:
>
> 61a. (1) The holder of a gaming machine licence who is aggrieved by any requirement made by a licensed gaming machine dealer in relation to the purchase or acquisition of a gaming machine, prescribed gaming machine component or gaming equipment may apply to the Commissioner to review the requirement.
>
> (2) The Commissioner may, on completion of the review, confirm or revoke the requirement and his or her decision on the matter is not appealable.

I consider this to be a fairly important matter. It is important to ensure that there is a level playing field with regard to people who deal with a licensed gaming machine dealer. It provides a statutory right on the part of the holder of a gaming machine licence not to be unfairly dealt with in relation to business transactions with a licensed gaming machine dealer. In the case of any unfair, dishonest or restrictive practices which creep into the system on the part of the holders of a machine dealer's licence, a statutory right will ensure that there is a grievance procedure to enable the holders to go straight to the Licensing Commissioner and have that grievance dealt with. That means that people will not necessarily find their way into members' offices, because a member without a statutory right would have great difficulty in dealing with that person. I do not provide for a right of appeal or anything like that; it is simply that there is a statutory right for all holders of a gaming machine licence to have their grievances dealt with by the Licensing Commissioner and to ensure a level playing field.

The Hon. FRANK BLEVINS: This is an eminently sensible new clause and I urge the Committee to accept it.

New clause inserted.

The CHAIRMAN: The appropriate amendment will be made to the heading at the top of page 21.

Clauses 62 to 64 passed.

The Hon. FRANK BLEVINS (Minister of Finance): I move:

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

Motion carried.

Clause 65—'Payment of prescribed percentage of gross gaming turnover to Treasurer.'

Mr S.J. BAKER: I move:

> Page 23, lines 34 and 35—Leave out 'into the Consolidated Account' and insert the following:
>
> —
>
> *(a)* as to the percentage (being not less than .5 per cent) fixed by the Minister from time to time, by notice in the *Gazette*, of the amount received in each financial year—into a fund to be kept at Treasury by the Minister of Family and Community Services;
>
> *(b)* as to the balance—into the Consolidated Account.

I raise some questions about who are the winners and who are the losers under the legislation. We know that the Gov-

ernment will be a big winner, but we do not know that anyone else will be. I will address the question of percentages and who gets what from the system when I address myself to clause 65 proper. However, I make the point that there is no provision for any organisation other than the Government and the people operating the poker machines to receive any benefit from their introduction.

Quite clearly, in other jurisdictions, including New South Wales, Queensland and Victoria, Parliament or the Government—or both—has determined that there should be some other winners in the system or that certain people are somehow compensated for perceived losses, or that moneys shall be used for particular purposes perceived to be appropriate. Such items as tourism promotion, sport and recreation and charitable organisations all feature interstate, particularly in Victoria and Queensland, in the division of the profits emanating from gaming machines.

One of the great deficiencies of this Bill is that no percentage is shown as to how the profits will be divvied up, nor is there any provision for any other organisation or organisations, group of people, welfare body, sporting or tourism body to receive any benefit from the legislation. I read to the House a number of letters from charitable organisations that will be affected by this legislation. We know that, as soon as poker machines go into pubs, the instant money tickets now being sold on behalf of a number of organisations will largely disappear: they simply will not be a feature of pubs any longer.

We know that the discretionary dollar available to charities will shrink as a result of the introduction of poker machines. We know that the whole fundraising area will be quite severely restricted. I do not need to remind the Committee that the aiming point for Government in today's terms is about $50 million, which is the revenue the Government receives or can gain from the system, but we do not have the actual details. I will be going through those with the Minister shortly, when dealing with the prescribed percentages.

There are rare opportunities within budgets and within the moneys that have become available through a source that was not previously available to do some good. We have received a large number of submissions from charitable organisations such as the Salvation Army, the Adelaide Central Mission and a number of other organisations that are battling to do the right thing by people out there. It is a huge volunteer effort that still requires large sums of money to keep afloat those organisations that do such a fantastic job.

They know that the recession has affected their receipts, yet at the same time the demand for their services increases. The introduction of poker machines is seen as a further problem for organisations that are really struggling to make a dollar in order to be able to assist those in need.

My amendment was supposed to provide for .5 per cent of the total turnover, and I will need to look at that matter again. It was meant to provide for at least .5 per cent of the earnings to be refunded to charitable organisations to be put into such areas as those charitable bodies affected by the introduction of gaming machines saw fit. I am reminded that the Salvation Army would never ask for money from gambling purposes but, under the circumstances here, it would never be required to. It would simply receive a grant by the Minister of Family and Community Services, particularly in relation to its reduced capacity for fundraising.

I have also made the point that moneys should be made available for the rehabilitation of gamblers. I am reminded that in 1983 the Premier promised to undertake a study into gambling and its impact. We have not seen that study: it is about time we did. The Premier has not lived up to his responsibilities. I should have expected that some information would be provided to this Parliament by now, but it has not been. I believe it is important that we recognise that, under this legislation, there are winners and losers; that there are people who will be adversely affected; and that the people who do the most good—the volunteer services and charitable organisations that are really struggling to keep up with their growing market—are the people who deserve special consideration. They must be catered for. The Bill recognises that there are losers, and we must recognise that, even though the Premier refuses to have the promised study completed. I commend the amendment.

Mr OSWALD: I support the amendment. Members opposite may not like to think that it is a possibility, but in 18 months time I could be the Minister of Family and Community Services in this State and, if poker machines are in place, I will have beating a path to my door community organisations that will be heavily involved in counselling or assisting those people caught up in the problems of gambling. It is a real problem, and the non-government welfare sector is concerned. This amendment will create a fund by which the Minister and the department can do something to help.

We have FACS running Crisis Care at the moment. We are all aware that, because of a lack of funds, Crisis Care has had to close down half its service. It used to run a daytime and a night-time service but it no longer runs during the day, and if anyone has a problem and wants access to the emergency service, they must go to the front counter of the local FACS office or wherever the service operates at night.

In these difficult times we are seeing a reduction in services offered to people caught up in these circumstances by organisations such as Crisis Care, Gamblers Anonymous, the Central Mission and the Salvation Army, which does specialised work in this area. Those organisations are strapped for funds. If there needs to be counselling and treatment for people who get caught up in the urge to gamble, the Minister of Family and Community Services, as he proceeds in his portfolio, will need access to additional funding to feed out to both the Government and non-government welfare sectors.

As I said in my second reading contribution, my research identified 12 people who had committed suicide because of the Casino, and some very prominent Adelaide families well-known in business in this town have lost fortunes there. These people and their families need assistance, and the same will apply in relation to poker machines but perhaps to a lesser degree. When I am the welfare Minister I know that I will need access to funds to provide assistance. The amendment of the Deputy Leader of the Opposition will assist the Minister of whichever Party is in Government when he faces the Government and non-government welfare sectors, because they will be coming to him asking for additional funds to help in their work. I urge all members to support the amendment which I think is a very realistic and appropriate amendment to be placed in the Bill.

Mr FERGUSON: As part of my study of this legislation I went to New South Wales and the ACT and took particular care to visit Crisis Care in New South Wales, and in particular I spoke to the person in charge of Gamblers Anonymous, which is a section of Crisis Care in that State. One of the amazing statistics he put to me was the fact that, on a percentage basis, fewer people in New South Wales had problems with gambling than those in South Australia. New

South Wales has had poker machines for 20 or 30 years whereas South Australia has had other forms of gambling.

It has been suggested that the people who are in trouble over gambling in South Australia would be as high as 4 per cent of the population, as against 2 per cent of the population in New South Wales. I returned to South Australia intending to move a similar amendment to the one that is before us in relation to Gamblers Anonymous, which I would imagine would be a branch of Crisis Care in South Australia because it has a 24-hour coverage and people with problems late at night or in the middle of the night can telephone for help. I indicated to my colleagues my intention to move this kind of amendment to provide money for Crisis Care, and I was guaranteed that the Government would, in its next budget, put a substantial amount of money into Crisis Care to enable it to take care of the people who are caught up in gambling.

I have no doubt that the Government is looking at this proposition, and I have no doubt that something will be done about it. Because I have no doubts in that direction I did not proceed with an amendment to provide Crisis Care with a percentage of the take from gaming machines to be used for Gamblers Anonymous. It is not true to say, and I do not accept the suggestion of the Deputy Leader, that charities will be hurt more by the introduction of poker machines because of the downward trend that will occur in relation to bingo, chook raffles and the like.

It was my experience in New South Wales—and I invite members of the Opposition to go to New South Wales and find out what is happening over there—that not one club I visited did not provide a percentage of its takings for charitable purposes. In fact, if one was to add up the amount of money that goes to charitable organisations in New South Wales as opposed to the amount of money that goes to charitable organisations in South Australia, I would say that the clubs in New South Wales provide more money per head of population for charitable purposes than anything we can raise here in South Australia. So, it is not true to say that the fact that bingo tickets will not be available will mean that less money will be available to charities.

The Salvation Army has been mentioned here tonight on two occasions. The Salvation Army in New South Wales has had no compunction about accepting donations from New South Wales clubs, and I have no doubt that when the clubs get going in South Australia—and South Australians in general have been noted for their generosity—as much as or more than the amount of money that is available per head of population in New South Wales will be available in South Australia. In fact, I believe that in the fullness of time, because of the introduction of these machines, charities will be better off in South Australia than they are now under the present system.

When members make statements to the Committee that because of the reduction in raffle tickets and bingo tickets and other such things less money will be available to charity, they have to substantiate what they are saying. Our comparison at the moment is what is happening to charities in New South Wales as opposed to charities in South Australia. I can assure members that the charities in New South Wales under the club system are doing far better than the charities in South Australia.

I have been promised that in the next budget a substantial amount of money will be made available to Gamblers Anonymous to help gamblers. Some gamblers are in diabolical trouble, and that organisation should be assisted rather than charities in general because South Australia has a bigger problem with gamblers than does New South Wales (from the evidence that has been put to me). I support that approach as opposed to the general proposal that .5 per cent of the take should be used not to assist gamblers but for a whole host of other charities. I am afraid that the arguments that have been put to the Committee have not been convincing, and I cannot support the amendment that is before us.

Mr S.J. BAKER: I seek leave to amend my amendment as follows:

By inserting after '.5 per cent' the words 'of gross turnover'.

Leave granted; amendment amended.

Mr OSWALD: During the contribution of the member for Henley Beach he said that he had been guaranteed, and then changed that word to promised, that a substantial sum of money would be injected into Crisis Care in the next budget to help Gamblers Anonymous. I address my question to the Minister of Finance, who is also a member of Cabinet. Can he confirm for the record that the Government has made promises to its members that it will in fact inject a substantial sum of money into the budget this coming budget session which will be earmarked for Crisis Care to assist with Gamblers Anonymous?

The CHAIRMAN: The member for Coles.

Mr OSWALD: Sir, it is only fair that I should get a response to such a question when Government members are saying that Cabinet has made these substantial promises, but the Minister just sits there mute.

The CHAIRMAN: The Chair can only call on members who stand. The Minister of Finance.

The Hon. FRANK BLEVINS: I was making some notes and did not want to be jumping up and down after every speaker. I thought I would respond at the end. Nevertheless, the member for Morphett is getting a little agitated and, as this debate has been conducted in a very good atmosphere, I would hate for anyone to get agitated at this time of the night. The answer is 'Yes', Gamblers Anonymous will have some additional work to do. Discussions will be held between the Minister of Family and Community Services and Gamblers Anonymous to ensure that it has sufficient funds to do its job. I can certainly confirm the discussions that have occurred between the Minister and the member for Henley Beach.

I oppose this amendment for a number of reasons. Principally, I do not like hypothecation of taxes. In principle, that is to be avoided if at all possible. I admit that, on some occasions, if the only way I can get a tax is through hypothecation, it may well be that I can be persuaded. As a matter of principle, I think hypothecation is not good. With respect to the question of having a fund and dishing it out of the fund, it would be extraordinarily difficult to find out who had been hurt. My guess is that charities would be springing up all over the place, and I do not think it is terribly practicable. We are all aware of the sleight of hand that takes place in these areas. A considerable amount of money goes to non-government welfare organisations in this State, and it would be very easy to make an adjustment. We all know of the funds from the Lotteries Commission that go to the hospitals, and from the hospital fund or whatever it is called—

Mr Oswald: Fictitious!

The Hon. FRANK BLEVINS: Of course it is. A similar position could be arrived at here. It is no different. Funds could be—

Mr Oswald interjecting:

The CHAIRMAN: Order! The member for Morphett has had his opportunity.

The Hon. FRANK BLEVINS: I do not believe that it would necessarily have any practical result anyway. The point was made by the member for Henley Beach that it is

clear that interstate clubs and hotels do assist charities, particularly charities in the area surrounding the club or hotel in question, to a very great extent. I see no reason why the clubs and hotels in South Australia would be any different. In fact, from a sheer business point of view, it would be good business for them to donate to the clubs and hotels. They do that now to a significant extent and, with the additional funds generated, I am sure they would be only too pleased to donate even more. I have no doubt that that would happen. If governments leave community welfare organisations short of funds—if they do not fund them sufficiently well, irrespective of poker machines—then of course the community can take action every election, and that is how it should be. I do not think that poker machines make any difference whatsoever to that, with the exception of Gamblers Anonymous, which I believe does have a special place in the Government's consideration. For those reasons, I oppose the amendment.

The Hon. JENNIFER CASHMORE: I oppose the amendment and the inter-related concepts which follow it. On the face of it, it may seem to be an unexceptionable proposition that revenue from gambling should be directed to a fund which is then to be further directed into charitable funds. However, the reason I oppose that is that I believe such a proposition makes gambling appear as a benevolent and worthy activity, which it is not. That is the first ground on which I oppose this proposition: because it makes gambling appear to be a benevolent activity, which it is not.

Secondly, I believe that, if the proposition were put into effect, it would corrupt the relationship which should exist between donors and charities. That relationship is the essence of the charitable notion. It is self-regulating to the extent that people will only give to charities which they believe to be worthy of support. That in itself is a governor on the activities of charities which must continue to be responsive to community demand, otherwise they know they will not attract the donors' dollars which are essential to their survival and continuance.

Therefore, the self-regulatory nature and the natural responsiveness of charities to community need is corrupted, distorted and manipulated when an artificial donor system is established through the creation of funds from gambling sources. As the Minister very rightly pointed out, the creation of a fund would simply ensure the reduction by Treasury of an equivalent amount that would otherwise have been directed to the Minister of Family and Community Services.

The Hon. Frank Blevins: Maybe.

The Hon. JENNIFER CASHMORE: The Minister appears to be ambivalent about what might happen, but I think most of us know what is very likely to happen in the future, because it would be just the same as what has happened in the past with the Lotteries Commission hospital fund that the Minister mentioned. On the ground that this proposition would entrench gambling as a desirable activity, which is not something I want to see happen in South Australia, and on the ground that it would distort the proper relationship that should exist between donors and charities, and still further on the ground that the Minister of Family and Community Services then becomes the determiner of which charities are worthy of continuance and which are not, I oppose the amendment. That judgment should be made by the community as a result of its direct giving to causes which it believes are worthwhile. When that natural relationship is disturbed, the whole notion of charity becomes so degraded that society is the poorer for it.

Mr S.G. EVANS: I oppose the amendment. I know that charities are suffering today, even before this Bill passes. Many people will not give to charities nowadays. Some of those who do not give cannot afford it, and many are unemployed, but, that aside, the standard of living that so many people wish to maintain, sometimes on two incomes, is such that they do not see the motivation to give to charities. That may change but, at the moment, that is fact. I sit on some bodies that are Statewide and some that are local, and they do have a tough time.

The main reason I oppose the amendment is that, if a Government is to look at giving help to any group, that Government makes the decision. It is not written into the Act, as we are talking about now, to give to charities or to people who are suffering. The tourist industry wanted an amendment to the effect that it wanted a percentage, as did local government. In other words, they wanted the Government to apply a tax on the total revenue from poker machines and drain a bit off here, there and somewhere else. They hoped that the Government would not reduce its general commitment from general Treasury to those organisations in equal, or very close to equal, proportions as was gained from the enforced poker machines percentage.

I sympathise with my colleagues' remarks about Family and Community Services and Gamblers Anonymous. I have employed some people who would get their pay on Thursday night and then come to me on Monday and say, 'Can you lend me something? I went through it all on the weekend.' We cannot do it today without getting an order, but we could say to them, 'I will not give it to you, but I will drop it into your family on the way home tonight.' The person who maintained the budget or bought the food for the children would get the money. Nowadays, the law does not allow that, but we did it then. The men were the main offenders, and they accepted it, because they knew they had a weakness. That has always been there, and it will always be the case. Those who go into business take gambles. How can we say we know that gambling is wrong? Nearly every one of us has taken a gamble at some time in life—in business or whatever we do. Some people might have bought shares and got caught just before the big crunch. In my 24 years in this Parliament, I have known only three members of Parliament who did not buy raffle tickets. They would give a donation.

Mr Ferguson: Name them.

Mr S.G. EVANS: No, I will not do that. There were two members on the other side and one on this side. They would give a donation or they would say, 'If you want to write out a ticket for Mr Jones or somebody else who is having a rough trot, do it.' One member in this place did that, and a woman in Port Broughton won a motor car. She was having tough times, and that was that member's approach. He did not believe in gambling but, if somebody wanted to write out a ticket, they could do that. Most of us have gambled and bought raffle tickets, and that is a gamble. As I said before, I admit that poker machines are the worst form of impulse action gambling. I accept that, and that is why I have always said that I do not like the confounded things, but I oppose the amendment.

Mr HAMILTON: I am very interested in the remarks of the member for Henley Beach in relation to the undertaking given by the Minister. I would like to know whether, together with that undertaking, there is a promise or a clear and specific statement that this amount will be indexed. When the member for Henley Beach and I were in Sydney, we talked to the Crisis Care people. An officer of that organisation told us that the New South Wales Government was not indexing the funds provided to that organisation. The

Government may give an undertaking to the member for Henley Beach that 'X' amount of dollars will be provided to Gamblers Anonymous, but I would seek from the Minister an undertaking that that amount will be indexed annually.

The Hon. FRANK BLEVINS: I cannot give any guarantees about indexation. It is my understanding that discussions will take place with Gamblers Anonymous to ensure that it has reasonable funds to do its job, in particular the increased work it will no doubt have in this area—let us not kid ourselves about that. I do not know how much is reasonable at this stage. The problem may double or triple in the following year. I cannot say that we can arrive at a totally appropriate figure and that it will be indexed from there, because we just do not know. All I can say is that the Government will act in the utmost good faith.

I note that Gamblers Anonymous is not opposed to the introduction of poker machines, and I am sure that we will be able to come to a reasonable agreement with Gamblers Anonymous for reasonable funds so that it can do its job now. What that will be, I cannot say. Whether indexation is an appropriate way of adjusting the funds annually, I cannot say. But I can say that the Government will be acting in good faith during those negotiations to arrive at a figure with Gamblers Anonymous.

Mr BECKER: The Minister almost lost the debate, and it is a tragedy that we have to admit that, if this legislation goes through, it will be necessary to support an organisation such as Gamblers Anonymous. It is a pity that we even have to contemplate that the workload of Gamblers Anonymous will be increased or expanded and, therefore, certain funds will have to be committed to that organisation. I would have thought that the people of South Australia are sufficiently well informed and educated to be able to handle, in a limited way, the introduction of poker machines in South Australia.

As I said in my second reading speech, as soon as the senior citizens clubs down my way put up a notice that there will be a pokies tour to a town across the border, by the time the fourth pin is put into the notice board, the form is full. That demonstrates the demand of the people in my electorate, particularly in the senior citizens clubs, whose members travel more than most people. They enjoy themselves and are quite capable of handling their financial affairs. None of them have been distressed by this, so I give them a lot more credit than some people do.

It is regrettable that it is necessary to have an organisation such as Gamblers Anonymous. It has been around for a long time, and it will be around for ever and a day. I would have hoped that the Minister—and I accept in good faith what he says—will look after that organisation, and that the emphasis will be on an education program. I hope that that organisation undertakes a vigorous publicity campaign and an education program. We want to see a bit of action in that respect. I remind the Committee that we had the opportunity in August 1986, when I asked for a select committee to be appointed to inquire into the likely social and economic impact on the community of electronic gaming devices, including Club Keno and poker machines, to take action, and we knocked it back. There is no need now for this type of amendment.

Let me also remind members that on 21 August 1986 (page 542 of *Hansard*) I quoted statistics in relation to gambling, and I do not think the situation is any worse today than it was in those days. I stated:

> The Lotteries Commission instant money game has grown from a turnover of $18 million in 1982-83 to $25 million in 1983-84 and $28 million in 1984-85.

Let us look at the Auditor-General's Report. Under Lotteries Commission we have: Instant money games, $43.7 million for 1990-91; X-Lotto, $134.3 million; X-Lotto Extra, $8.7 million; Super 66, $6.5 million; the Pools, $1.5 million; and Club Keno $42.9 million, making a total of $237.9 million. If the people of South Australia have gambled and turned over that amount of money for the financial year 1990-91 and been able to handle it, I can see no problem with the introduction of poker machines. I do not believe that there will be such a huge impact of money in that area.

The statistics are interesting when we look at those figures and the amount that the Treasury has received from the various forms of gambling. On page 220 of the same report we see that the TAB contributed $20.5 million as a half share of its funds; unclaimed dividends, $601 000; transfer of fractions, $2.2 million; racing clubs unclaimed funds, $100 000; and the Lotteries Commission, amount transferred from operation, $76.4 million. That was up $10 million, by the way. We then have motor vehicles and stamp duty, $7.4 million. Some $99.9 million goes to the hospital fund, which goes straight back into general revenue. Stamp duties took $7.4 million. That, of course, brings the total to $107.4 million.

Those are interesting statistics. The people of South Australia have been able to cope with it. Whilst we are on statistics relating to gambling in South Australia, I remind the Committee that under the Treasury line we have expenses of the Lotteries Commission for supervising the Casino of $67 000, and the Casino Supervisory Authority chewed up $138 000.

Mr FERGUSON: I am very sympathetic to the member for Hanson, because he has supported this proposition all the way through. I would not want to take the opposite track from him. The only problem is that South Australia has a gambling problem. The statistics put to me by Gamblers Anonymous, when we visited them in New South Wales—I have no reason to disbelieve the proposition that they put to me—show that 4 per cent of the population in South Australia has a problem with gambling compared with only 2 per cent in New South Wales. This has been a continuing problem, and there has been a need to do something about gambling in South Australia. Here we have a glorious opportunity with the introduction of poker machines. I agree with the member for Hanson that the majority of the population in South Australia is very sensible and will budget and handle the introduction of poker machines without any difficulty at all. However, there is a problem, and we now have an opportunity to do something about it. That is why I support the proposition that there be an influx to Gamblers Anonymous from the next South Australian budget.

Mr BECKER: I have no argument with the member for Henley Beach. I take the Minister's word, because he is a man of his word. Indeed, I will keep him to it and make sure that he provides sufficient funds to that organisation.

Mr HOLLOWAY: I find some attraction in the amendment moved by the Deputy Leader in so far as it sets a fixed proportion of funds to go towards programs for the rehabilitation of persons addicted to gambling. If it were just that, I would be inclined to support it. As I mentioned in my second reading speech, Australian Governments generally have a very poor record in their treatment of people who have problems with pathological gambling. During my second reading speech I quoted an article from the Institute of Criminology which compared the treatment in this area by Australian Governments with that in the United States. We performed very badly by comparison.

However, I am less attracted to the part in relation to compensating fund-raising bodies. In a recent article in the magazine of the Multiple Sclerosis Society, the Executive Director, Mr Ian Millbank, is quoted as saying:

> . . . the Government, in its frenetic search for that extra dollar, has in this instance completely overlooked the needs of the disabled community which, due to insufficient Government moneys, is forced to raise its own funds through lotteries, etc. There are only a certain number of gambling dollars available and the 'pokies' will dramatically reduce charities' incomes and divert the moneys into the pockets of those who most certainly are not in need. The situation is quite unbelievable.

The problem with those arguments is that many of those charitable bodies use paid fund raisers. I have raised in this House before with the Minister of Finance the case where up to 90 per cent of the money raised by these bodies goes in income to the fund-raising organisation—the contractors—and very little goes to the charities themselves. It is that part of it with which I do not have much sympathy. I am pleased that the Minister has given an assurance that an allocation will be given to Gamblers Anonymous and other bodies involved in the rehabilitation of persons addicted to gambling. I think that is the most important part of this issue. I shall be looking very carefully to see that the Government honours that promise and provides money to those bodies, because I believe there is a genuine need there that we in this Parliament must accept as part of this legislation. With those assurances from the Minister, I cannot accept the amendment moved by the Deputy Leader, although I find some attraction in part of it.

Mr S.J. BAKER: I have listened with great interest to the various contributions, and a number of points need to be made. First, charities are sustained to a certain degree by Governments. Even if we take the grants provided for the construction of premises and the various non-taxed items that charities can accrue, the levels of support from Governments vary dramatically, depending on the services provided. Some charitable organisations undertake service on behalf of the Government in particular areas, and that requires a significant amount of Government support. For example, the Salvation Army has homes in my area which provide emergency care. That has been made available through the South Australian Housing Trust, for example.

The Parliament has consistently recognised the worth of charitable organisations. I share the concern expressed by the member for Mitchell about some of the fund-raising methods that are used and the extent to which some of those moneys go to the areas in need. The fact remains that we support those charities either financially or by volunteer support, or both. I do not know of any member who consistently refuses the requests of charities.

Because of the significant support for charities in most areas, direct and indirect, this is a special time because the demand for their services is skyrocketing at the same time as their revenue is diminishing. That situation will not improve. It will improve slightly when the economy picks up, but we know that economic difficulties will remain in some shape or form through to the end of this century and beyond. There are no bundles of dollars to be spent in all directions. The discretionary Government dollar has effectively been eliminated. I was not drawing a parallel between the availability of money from gaming machines and the need to recompense charities directly for the losses, although I have said that we should pay particular attention to the fact that charities have lost or will lose due to the existence of gaming machines in South Australia.

What I have said is that we as a Parliament should recognise in principle the role of charities; that we do not have a discretionary income suddenly available but that we have an opportunity to make a contribution. It may be classed as a one-off contribution, but not because it is ongoing. And it has nothing to do with tokenism; nothing to do with linking gambling with charitable purposes; nothing to do with donations that people may perceive they do not need to give because the operation has the support of Government. It has nothing to do with any of those things.

New South Wales, Queensland and Victoria have seen fit to earmark some of the contributions into the Treasury from gaming machines. They have seen fit to do so: why should we in this State not see fit to do the same? We have no guarantees at all from this Government. It is a great shovel system—straight into Consolidated Revenue. If the Government this day can sit by blithely and see $2.2 billion lost in the State Bank disaster and $81 million lost by SGIC without blinking—offering many excuses—I should have thought that it could do one thing that actually does some element of good for the community and say that there is a possibility of obtaining $5 million that would not normally be available, which will go to charities that are hitting the hard edge, the areas of need.

That has nothing to do with all the discussion we have heard tonight drawing the relationship between gambling and the losers in the system, although the losers in the system must be recognised, which is what I have done in my amendment. But there is a wider issue here, and that is that the people of South Australia deserve some support. The people out there bleeding at the moment deserve some support. The people working their butts off for the community deserve some support, and I thought that, for once in our lives, in this Parliament we could actually grab this issue and say that it may be gambling; it may be a revenue source that has suddenly become available; but let us use it so that there is a lasting benefit.

Everyone has spoken around the subject. It is just an excuse to allow the money to be shovelled back into the Treasury, to get misplaced, misused and abused with budgets that are not properly scrutinised, with Ministers who do not do their job and with members on the other side who feel quite comfortable to allow that to continue, because they have done nothing about their Ministry or their leadership in this State. I am saying that we have a chance here: it might only be small, but it will count; $5 million to areas of need will count, so I move the amendment.

Mr OSWALD: I should like to put on record one piece of evidence that has been overlooked by all members in this debate. Under its constitution, Gamblers Anonymous cannot accept any funding, which means that other organisations in the non-government welfare sector have to step in and provide the funding and supply assistance. In that case, I still think that there is much value in the Deputy Leader's amendment, and urge members to support it.

As a fall-back position, the Minister referred to the Minister of Family and Community Services allocating the funds. That is workable, provided that we can have an absolute guarantee that that will happen. At the budget debate next session we will follow through those promises, and I trust that they will be there but, in the interim, in principle to have a fund there as the Deputy Leader proposes is also workable.

The Government is saying that it does not trust the Minister of Family and Community Services to recognise the approaches from the various agencies. Indeed, I think that the Minister is very capable of deciding whether or not a charity is worthwhile and whether an agency is a specialist in the field and uses the money properly. I do not think it opens the debate on a wider scale. I support the amendment.

Mr S.G. EVANS: I wish to reaffirm my position. If Gamblers Anonymous cannot take funding—and I take it that that means from the Government—

Mr Oswald: From anyone.

Mr S.G. EVANS: If it does not take money from anyone, there is no way any of us individually or collectively can help as far as the organisation is concerned. I have great respect for the work it does but, if that is the case, there is no difference whether or not we move this amendment, because the Government of the day will decide whether it gives money to the Department of Family and Community Services and what amount it will give, and if we put through this amendment saying that a percentage must go to any particular charity, all that the Government will do if it so wishes is decrease the amount it gives from general revenue, as has happened with hospital funding and other areas.

Nothing whatsoever is gained, and all we are doing is setting another precedent for fiddling around with money. In the end, it means nothing, because the next thing will be that the tourism industry, local government and some other group will want a percentage. I say that the Government of the day should decide its priorities as to whom it will back and, if that organisation does not accept it, the Government gives it to someone else.

Mrs HUTCHISON: Members would realise that in my second reading speech I said that I thought some assistance should be offered to those people who have a problem with an addiction to gambling. I have listened very closely to the arguments presented by the Deputy Leader and, like the member for Mitchell, I have a certain sympathy with the amendment as presented, although I have some difficulty with parts of it. However, I am prepared to accept the Minister's comment that the Minister of Family and Community Services will provide money in the budget to assist people in that position, so I will be opposing the amendment under those conditions.

Amendment as amended negatived.

Mr S.J. BAKER: I have a number of questions about clause 65.

Mr Groom interjecting:

Mr S.J. BAKER: The member for Hartley should be interested in the answers relating to clause 65. This is the most important clause of the Bill. The member for Hartley has been fiddling around like an old fowl, and he does not realise—

Members interjecting:

The CHAIRMAN: Order! I suggest that the Deputy Leader return to the substance of the clause.

Mr S.J. BAKER: What percentages will prevail in relation to taxation, in terms of the costs of the system and in relation to the return to the clubs and pubs? I ask the Minister for a clear indication of exactly what he intends. As he would appreciate, some legislation has it specified but other legislation has it covered by regulation.

The Hon. FRANK BLEVINS: The details have not been worked out. Extensive negotiations will take place with the industry, and a fair and proper rate will be struck. To some extent, it will be of a preliminary nature, because it will take us a few months and perhaps as long as a year to sort out what is appropriate. If the Government overdid it and it was not attractive for the clubs and hotels to continue to promote the machines, in the long run the Government would be a loser. Conversely, we intend to take a fair share for general revenue. The Government has many legitimate calls on its financial resources, such as health, education and so on, so we do not believe that the industry ought to get away too lightly, either.

I cannot give a precise figure at this stage, but we will be trying to be fair. The Government will not be trying to kill the goose that lays the golden egg in relation to the carve up of these proceeds. I think Mrs Beeton's cookbook, in the recipe for turtle soup, said, 'First catch a turtle.' This money has been spent many times over by a whole variety of people whose connection with the industry and the raising of these funds is zero, and I have always objected to that.

Let us not forget why we are introducing this measure: we are introducing it to assist clubs and hotels and, very close behind that, to assist the State in financing the many things it has to do. They are the two principal bodies concerned in the determination of the carve up of the cake, so to speak. Those negotiations will be intensive but, I am quite sure, amicable and will result in satisfactory arrangements that do not kill the industry and at the same time give a fair return to the taxpayer.

Mr S.J. BAKER: Sir, I am really shocked, and I do not know that anybody in this Committee could be otherwise. We have guiding legislation from other States setting out the rules under which those other States operate, and that legislation contains clear determinations as to how the money should be divided. I actually gave some figures on this to the House during my second reading contribution. I would have thought that, for the benefit of the clubs and pubs, they should have a clear idea of what the Minister is talking about. Whilst the Minister has not finalised the figures, I would ask him to give some indication to the Committee of what he intends.

The Hon. FRANK BLEVINS: I am sorry, I am unable to do that. All I can do is repeat that there will be quite intensive discussions with the industry. I point out that in the Casino Act there is likewise no provision for any specific payments or rates of taxation; it is done by regulation, as indeed this will be.

Mr S.J. BAKER: I do not accept that at all. I believe that this Parliament deserves to know exactly what the Minister intends. It is not as if he is heading into waters unknown. He talked about catching the turtle before making turtle soup. Well, some other people have already caught the turtle and have made the soup; he can look at it, feel it and taste it, if he likes. There is a clear indication that the Minister can get the evidence he is looking for. I am asking on behalf of the hotels and clubs. I cannot understand why they are not belting down the Minister's door and saying, 'This is what we think is a fair proposition to share the net return between these various bodies.' I would hope that the Minister would apprise himself of the taxation and revenue sharing that exists in other States.

I would have thought that the very strong relationship between the return that clubs and pubs receive from the machines and the return that goes to Government coffers was fundamental to the success or otherwise of this legislation. If it is too far one way, for example, towards the pubs and clubs, then the Government will miss out on their revenue potential; if it goes the other way, more and more clubs and pubs will go broke because they will be paying some very large dollars for their machines and will not get appropriate returns.

I would have thought that, with all the time that has been available to the Minister to research this subject, review the arrangements that might be put in place, have discussions with his interstate colleagues and look at the percentage in conjunction with the industry, we would now clearly have before us some indicative information on what will happen to the revenue from these machines. I am quite amazed and disappointed that the Minister does not have that information available for us. However, that does not rest on my

head; it rests on the head of industry. If the industry is willing to trust the Minister—I would not trust the Minister or any Government that is cash strapped and will need every dollar it can get, given the disasters that this Government has perpetrated on South Australia—all I can say is that I do not have that amount of trust. If I was responsible for this legislation, I would be giving a clear indication of exactly what the Government intended in the circumstances.

Mr S.G. EVANS: Is the Minister prepared to comment on whether he believes that the percentage of payouts or return to the gambler should be displayed? This matter was raised very strongly by the former member for Alexandra. I think it is an important point. If one is playing games such as roulette or a wheel with a certain configuration of numbers the gambler knows the odds, and I think it is fair to say that the regulations—and I have not picked up whether it is in there, unless it is in the schedules—should require that the odds be displayed on the machines.

The Hon. Frank Blevins: On every machine?

Mr S.G. EVANS: Where the machines are.

The Hon. Frank Blevins: On each individual machine?

Mr S.G. EVANS: Where they are, so it applies to all of them.

The Hon. FRANK BLEVINS: The Bill states clearly that a minimum of 85 per cent has to be returned to the player. If the clubs and hotels, subject to the agreement of the Liquor Licensing Commissioner, wish to give back more and tell their patrons that they are giving back, for example, 100 per cent because they are having a special, say, for the year of 1994, that is provided for and they can inform their patrons of that. The protection for the patron is that the legislation provides a return of not less than 85 per cent to the player. Anyone who has the slightest interest in the odds can make themselves aware of that very easily.

Mr S.G. EVANS: I think there is a principle involved in this. A lot of people never see or read an Act. All I am asking is that this be covered in the regulations. It is very cheap and easy for gambling operators to display the minimum payout figure of 85 per cent somewhere near or on the poker machines. I believe that in Keno the payout to the gambler is very low and that it is back to about 72 per cent or something, and that is bad news. I think we should indicate to gamblers their chances of a return.

The Hon. FRANK BLEVINS: I think it would be good business for the clubs and hotels to do that but, whether or not we make it mandatory, that is something else. It strikes me as being a further regulation that is possibly unnecessary. However, if it is something that becomes an issue after the machines are operating, the legislation can be revisited at any time. At this stage it seems to me to be unnecessary, given that we are stating quite clearly in the Bill that a minimum of 85 per cent has to be returned to the player.

Clause passed.

Clause 66—'Accounts and monthly returns.'

Mr OSWALD: I have received advice this afternoon in relation to this clause as it compares with its Victorian equivalent. That advice came to me with insufficient time for me to contact Parliamentary Counsel and have an amendment drawn up. If what I am putting to the Committee is acceptable, I would be quite happy for the Minister to make a commitment to have an amendment drawn up and moved in another place; alternatively, I could ask a colleague in another place to look at it. Clause 66 provides:

(1) The holder of a gaming machine licence must cause proper accounts to be kept, in accordance with this section, . . . and such other accounts in relation to that business as the Commissioner may require.

My advice this afternoon referred to section 131 of the Victorian Act which provides:

. . . keep and maintain separate bank accounts as approved for use for all transactions . . . and be subject to inspectorial checking from time to time with the bank concerned.

The proposal put to me, and which I put to the Minister, is that it would seem desirable to add this provision to the South Australian legislation. The difference between the two pieces of legislation is the additional words, 'be subject to inspectorial checking from time to time with the bank concerned.' In other words, the inspectors would have the ability between the returns being put into the commission in exceptional cases to be able to go to a bank and inspect the bank account. I would be grateful if the Minister could give his views on that proposal.

The Hon. FRANK BLEVINS: Clause 64 (1) *(f)* provides:

inspect any books, papers or documents produced to him or her and retain them for so long as is reasonably necessary for the purpose of copying or taking extracts from any of them;

So, it is quite within the legislation. The Victorians have one style of drafting and we have another, but all those provisions are there. Having said that, I will certainly comply with the request of the member for Morphett and consider his question.

Clause passed.

Clause 67 passed.

New clause 67a—'Audit requirements for gaming machine monitor licence.'

The Hon. FRANK BLEVINS: I move:

Page 25—After clause 67 insert new clause as follows:

67a. The accounts of the undertaking carried out pursuant to the gaming machine monitor licence, and the undertaking carried out by the holder of that licence pursuant to any other licence under this Act, may at any time, and must at least once in each year of operation, be audited by the Auditor-General.

This was the intention anyway, and we knew we could do it under the schedule, but it is of such importance that it ought to be spelled out in the legislation.

New clause inserted.

Clause 68—'Power to refuse to pay winnings.'

The Hon. FRANK BLEVINS: I move:

Page 25, line 17—After 'player' insert 'and, in that event, must obtain the player's name and address and inform him or her of the right to have the decision reviewed'.

It is only fair that a player is informed of his or her right to have the decision reviewed. It is always arguable how real the right is if it is not drawn to the person's attention making them aware they can exercise that right.

Amendment carried.

Mr GROOM: I move:

Page 25, after line 21—Insert new subclause as follows:

(4) Winnings withheld pursuant to this section are forfeited to the Crown.

I believe this may well have been intended, and I understand that the Minister is prepared to accept the amendment.

The Hon. FRANK BLEVINS: The amendment is acceptable.

Amendment carried; clause as amended passed.

Clause 69—'Certain agreements and arrangements are unlawful.'

Mr S.J. BAKER: I move:

Page 25, after line 30—Insert new subclause as follows:

(1a) If the holder of a gaming machine dealer's licence (other than the Independent Gaming Corporation) enters into any agreement or arrangement for the sale on credit of any gaming machine, prescribed gaming machine component or gaming equipment—

(a) the agreement or arrangement is null and void; and

(b) the parties to the agreement or arrangement are each guilty of an offence.

Penalty: Division 5 fine.

We have heard a great deal of discussion and we have seen many reports in relation to the sorts of deals that can cause problems. We know that the gaming machine dealers and manufacturers have got themselves into some very interesting situations in Australia and elsewhere. We know that the greatest forms of corruption occur when dealing in the purchase of these machines, not necessarily in their operation. We have not really addressed the separation of the two bodies, and this is just one small attempt to say that a credit arrangement cannot be entered into between the dealers and the operators of the machinery.

The Hon. FRANK BLEVINS: I support the amendment.

Amendment carried; clause as amended passed.

New clause 69a—'Prohibition of advertisement.'

Mr S.J. BAKER: I move:

Page 25—After clause 69 insert new clause as follows:

69a. (1) A person must not publish, or cause to be published, an advertisement for the services or facilities provided on any premises pursuant to a gaming machine licence.

Penalty: Division 6 fine.

(2) Subsection (1) does not prevent the holder of a gaming machine licence from affixing to the licensed premises a sign or notice indicating that gaming facilities are available on the premises.

I move the amendment on behalf of the member for Davenport, who obviously feels that we should not be advertising this form of gambling. He does not believe that it is appropriate to use advertising for this purpose. However, he is more capable than I at explaining his amendment.

Mr S.G. EVANS: I thank my Deputy Leader for his support and appreciate the words that have been said. The English law is quite clear. I think it is a good law. There are casinos and gambling places in England, but quite clearly the law provides that the facilities shall not be advertised. In other words, a person who wishes to gamble seeks out the particular type of gambling in which they wish to participate. In this case, I suggest that the building where the gaming machines are to be located can advertise that machines are in that building.

A club can advise its members of the machines in that facility, but it may be that this amendment could even stop them from inserting a big advert in their journal saying, 'Come and gamble.' However, club members would know what the facility was without any advertising, and people would know whether or not local hotels had these machines in them. However, visitors to a hotel would move on to another if they found that machines were not present. A great principle is involved in this. The English law works very well, and I intend to move a similar amendment with respect to the Casino legislation. It is a great principle, and I ask all members to think about it quite seriously.

There is a problem with people who might gamble too much. If we say there is a facility, they will go and find it. We do not need advertisements with a great rainbow and a pot of gold at the end of it. We can tackle later some of the advertising with respect to other forms of gambling. I do not think that clubs and hotels would mind this amendment. It would not affect their operations at all. I ask the Committee to support the amendment.

Mr OSWALD: This is a very important subject. It is a matter that has worried me enormously over the past few years as the various forms of gambling in this State have sought to use advertising to deceive and play on the weaknesses of their potential clients. It is a matter of principle. In my view, there is nothing wrong with the Casino advertising itself and saying that it is the Adelaide Casino, because everyone knows what is in there. But I take exception to the television advertisements which the Casino has been running to attract people to it with the intention of ensuring that they lose.

I take exception to some of the TAB advertisements which play on the minds of people and set them up to go along and lose. They will not win, notwithstanding the types of advertisements that have been put to air on television to advertise the TAB, and we could go through all the other forms of gambling. I am not anti-racing. Everyone in this place knows that I am a regular punter at Morphettville, but I do not need to see the scurrilous advertisements that go to air, dragging on the weaknesses of certain people who will go down there, thinking that they will win. As a matter of principle, we should look at the form of advertising.

I have no objection to the Lotteries Commission advertising that it is sited in the Mall and that people can go there to buy a lottery ticket. I have no objection to a hotel having a big advertisement that somewhere advises that poker machines are on the premises. I have no problem with that. But what I do have a problem with is the advertisements which certain agencies put to air and which play on the minds of people and give them the false impression that they are going to win. Indeed, if that is what the member for Davenport is on about, I think he needs some support.

The Hon. FRANK BLEVINS: I oppose this amendment for a number of reasons. Whilst I have some sympathy with the style of advertising that some of these organisations get into, I think that, to some extent, it is misleading advertising. There is no pot of gold at the end of the rainbow in the Casino other than for the operators of the Casino and for the Minister of Finance: it is as simple as that. Certainly that does not apply to the punters. I can understand why people get annoyed with that style of advertising. I have not noticed the advertising for the horse racing industry or the trots, but those codes certainly advertise, and I would not be at all surprised if they also crossed the line a bit on occasions.

My objection to the amendment is that, to me, it is an unnecessary restriction on free speech. We ought to be extremely careful and have very powerful reasons before we stop people from advertising legal products. I know that that has been done in the case of alcohol and particularly tobacco. The Parliament has made that decision, and the various political Parties have taken a view. I suppose the argument is that these things are so evil that they ought not to be advertised. I know that that is how the Parliament has determined it, and I am not here to criticise the Parliament, although anybody would know that I have the very strongest reservations about that line of argument, and I have expressed them in other places.

I do not see that an evil will be committed with poker machines which will be sufficient to warrant that restriction on free speech or the free conduct of a legal business. That is the principal reason why I oppose it. There is also a very practical reason. In the case of advertising of gambling, I think it is apt to say that the horse has bolted. Really, the argument is lost. But I would caution the gambling industry in its style of advertising, because there is no doubt that the style of advertising of alcohol has brought that particular industry under the close scrutiny of those who are less inhibited than I in restricting free speech. I think they paid a price for that, and the liquor industry in particular is hovering on the brink of paying an even bigger price. I think that would be a great pity. They should really control themselves a little bit before they bring down the wrath of the wowsers or the health fascists, or whatever they are called on any particular day. Therefore, I urge the Com-

mittee not to support the amendment, as it is an unnecessary restriction on the right of free speech.

Mr S.G. EVANS: I am disappointed with the Minister's response. If I am not successful here, I will speak to members of another place and hope that they will take it up. I know it has worked in England. Betting and gambling is defined. Some people here would laugh, but horseracing, card games, cricket and other sports where there is some skill are related to betting. However, where people throw the dice or spin the wheel, it is straight out gambling. Those facilities are not allowed to advertise. It works very well, and I hope that one day we will take up that challenge. I know that the Minister will have the numbers on this occasion, but I will try in another place. I still recommend the amendment to the Committee.

New clause negatived.

Clause 70 passed.

Clause 71—'Bribery.'

Mr S.J. BAKER: I move:

Page 26—
Line 5—After 'is guilty of an' insert 'indictable'.
Line 6—Leave out '5' twice occurring and insert in each case '4'.
Line 9—After 'is guilty of an' insert 'indictable'.
Line 10—Leave out '5' twice occurring and insert in each case '4'.

I am particularly concerned about bribery being subject to such a small penalty. A division 5 penalty is provided, that is, a fine of $8 000 and two years' imprisonment. A fine of $8 000 is peanuts in this arena. The stakes are far higher than that.

The Hon. FRANK BLEVINS: I support the amendments.

Amendments carried; clause as amended passed.

New clause 71a—'Licensees to disclose gifts, etc.'

Mr S.J. BAKER: I move:

Page 26—After clause 71 insert new clause as follows:
71a. A licensee must, within one month of receiving, accepting or taking advantage of any gift, favour or benefit given or offered to him or her in connection with carrying out the undertaking authorised by the licence, furnish the Commissioner with a written report of the particulars of the gift, favour or benefit, including the name and address of the person who gave or offered it.
Penalty: Division 7 fine.

I believe it is important that any gifts or inducements that are offered be revealed to the Commissioner; if people fail to report them, they should be subject to a penalty.

New clause inserted.

New clause 71b—'Liability of licensed dealer for acts of agent.'

Mr S.J. BAKER: I move:

Page 26—Insert new clause as follows:
71b. If a person, in the course of acting as the agent of the holder of the gaming machine dealer's licence, commits an offence against this Act or commits any other offence in the course of dealing with a licensee under this Act in relation to the undertaking authorised by the licence held by the licensee, the holder of the gaming machine dealer's licence is guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

This is a tougher issue, which deals with the dealers and agents. I believe it is absolutely imperative that people acting on behalf of manufacturers are not dirty dealing. People could just keep changing the dealers.

As they are acting as agents, the principals will bear responsibility for them.

The Hon. FRANK BLEVINS: I accept the new clause.

New clause inserted.

Clauses 72 and 73 passed.

Clause 74—'Summary offences.'

Mr S.J. BAKER: I move:

Page 26, line 32—After 'Act' insert '(other than an indictable offence)'.

Amendment carried.

The Hon. FRANK BLEVINS: I move:

Page 26, line 33—Leave out 'two' and insert 'five'.

This was one of the suggestions made by the Commissioner of Police and with which I am happy to agree.

Amendment carried; clause as amended passed.

Clauses 75 and 76 passed.

Clause 77—'Regulations.'

The Hon. FRANK BLEVINS: I move:

Page 27, line 43—Leave out 'or limited' and insert ', limited or varied'.

This is on the recommendation of my Treasury officials to allow for the varied application of fees which we believe is desirable.

Amendment carried; clause as amended passed.

Schedule 1 passed.

Schedule 2.

The Hon. FRANK BLEVINS: I move:

Page 30—After paragraph *(a)* insert new paragraph as follows:
(ab) a condition that the licensee will comply with such directions as the Minister may give in relation to—
(i) the keeping of books, accounts, financial statements and other records, and the manner in which they are to be kept and preserved, by the licensee in relation to the undertaking authorised by the licence and by any other licence held by the licensee under this Act;
and
(ii) the furnishing of reports to the Minister on the financial affairs of the licensee in respect of that undertaking or those undertakings;.

This will make more explicit what is required of a licensee. The Minister will have access to detailed reports on the financial affairs of the licensee. In essence, it provides greater auditing powers.

Amendment carried; schedule as amended passed.

Schedule 3 and title passed.

The Hon. FRANK BLEVINS (Minister of Finance): I move:

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (21)—Messrs P.B. Arnold, Bannon, Becker, Blevins (teller), Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron and Holloway, Mrs Hutchison, Mr Ingerson, Ms Lenehan, Messrs McKee, Quirke, Rann, Such and Trainer.

Noes (17)—Messrs L.M.F. Arnold, Atkinson, D.S. Baker, S.J. Baker (teller), Blacker and Brindal, Ms Cashmore, Messrs De Laine, Eastick, Goldsworthy and Gunn, Mrs Kotz, Messrs Lewis, Matthew, Oswald, Venning and Wotton.

Pairs—Ayes—Messrs Klunder and Mayes. Noes—Messrs Hopgood and Meier.

Majority of 4 for the Ayes.

Third reading thus carried.

ADJOURNMENT

At 11.29 p.m. the House adjourned until Wednesday 1 April at 2 p.m.