

HOUSE OF ASSEMBLY

Thursday 7 May 1992

(Sitting suspended from 6 May)

The House resumed at 2 p.m.

SUMMARY OFFENCES (PREVENTION OF
GRAFFITI VANDALISM)
AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments.

No. 1, page 1, lines 24 to 29 (clause 3)—Leave out subclause (2).

No. 2, page 1, line 30 (clause 3)—Leave out 'or (2)'.

The Hon. M.D. RANN: I move:

That the Legislative Council's amendments be disagreed to.

Dr ARMITAGE: I support the motion and, if it is agreed to, I will move alternative amendments made in lieu thereof. They have been circulated and I will canvass them at this stage. My alternative amendments are agreeable to the Government and they are a marginal alteration of the amendments to the original Bill passed in this Chamber. They have the same effect of firing a torpedo across the bows of promoters who, willy-nilly, distribute, organise a distribution of or authorise the distribution and posting of bills which are visual pollution and are just as devastating to the environment of my electorate and that of other members as the graffiti that was the original purpose of the Bill. I am satisfied that these amendments will achieve the same end and I will seek the support of the Committee for them when they are moved.

The Hon. M.D. RANN: The Government is happy to accept these amendments, which have been reached with a degree of consensus between the two Houses, the Attorney-General and the shadow Attorney-General. I am reluctant to say that it is aimed at the Mr Bigs of poster distribution but we are trying to cover a situation where someone is exploiting young people by saying, 'Go and cover the town, paste them anywhere regardless of the law.' We are happy to accept the amendments.

The Hon. T.H. HEMMINGS: Far be it from me to question such an imposing array of minds on these alternative amendments. I find that, whenever legislation involves the Upper House and, dare I say it, the Attorney-General, we tend to get bogged down in pedantic points. I think the member for Adelaide might agree with what I am saying. If by chance the Attorney-General reads my comments in *Hansard*, I sincerely hope that he will not have me drummed out of the Labor Party. The first alternative amendment leaves out the words 'affixes a bill, poster or placard to' and inserts the words 'posts a bill on'. The mind boggles at the amount of argument that went on regarding that amendment. Whilst I have had very little sleep and I have been worrying about the constituency of Napier, which everyone wants, I must say that those four words take away the strength of the legislation. I can think of lots of ways to put a poster, bill or placard on an object. Perhaps I am being a little bit facetious, but it worries me that some legal mind could very well go to court and argue the very point that I am making. How do you post a bill? I make this point seriously. I have seen far too many members of the legal profession make a lucrative living in picking loopholes in legislation to which Parliament has agreed. One has only to

look at the WorkCover legislation, but I am aware that that has nothing to do with this Bill.

I use that as an example of where, despite all the good intentions this Parliament has put into legislation such as WorkCover, there is still a fair number of lawyers making a very reasonable living, and that was the point I was trying to make. Affixing a bill can involve using glue, staples, nails or blu-tak, etc. Although I have no objection to the amendment, I should like some explanation from the mover as to whether it covers any method of fixing. Whereas the Bill covers all categories, I should like some reassurance regarding 'posts a bill on'.

Dr ARMITAGE: I take those comments in good faith, as I share the member for Napier's anxiety at the perverse nature with which some legal minds enjoy dissecting every clause, comma, etc., to the potential detriment of their clients, in some cases, and their clients' pockets, certainly. The member for Napier had asked whether 'posts a bill on' includes any method of fixing. What he should realise is that a number of the people who the Minister said were involved in the presentation of these suggested alternative amendments were, in fact, looking at just that—any method of fixing.

We were trying to remedy a problem involving potential disagreement with the concept in another place, hence the fact that the Upper House had removed the original amendments to this Bill. I suggest there are potential difficulties, not as great as the member for Napier would suggest, although we as people interested in stopping visual pollution were faced with a situation in which, if we did not come to some agreement with the Upper House, we would end up with nothing.

As I indicated in speaking to this amendment in the first instance, all we are trying to do is indicate to the promoters that society believes it inappropriate to produce 10 000 posters, to give 10 pots of glue to an indigent university student and say, 'Go for your life.' We are trying to persuade those people to be responsible and to take reasonable precautions to make sure their bills will not end up as visual pollution on every fence, billboard or derelict shop, etc. If they do not take those precautions, they would be in trouble.

Whilst there may be some legal toing and froing at some stage by the passage of this amendment, which I understand will meet the approval of the other place, the Parliament of South Australia signals to those promoters that that behaviour is what we expect of them. I have been pleased with the resoluteness of the debate between people outside this Chamber in order to come up with these amendments. It is quite clear to me from that resoluteness that members of the Parliament of South Australia are angry that this sort of behaviour goes on, and I believe that, if lawyers did choose to be overly pedantic and to make some cheap publicity for themselves or their clients by arguing this point at great length, it would very soon be back in here with another amendment to fix it up. I believe that what is here achieves the original ends of my motion, which was agreed to by the House and which I still believe is worthy of support.

Mr FERGUSON: I am disappointed with this amendment and disappointed that we are going to agree to it, even though it is not such an issue as to force me to cross the floor. I stick to my guns so far as my original contribution is concerned. I believe that posters—especially political posters—should be absolutely banned by this Parliament. At the time when we have electioneering in this State we see the greatest visual pollution one could ever come across on every street corner and in every area. We have these untidy posters depicting the faces of gangsters staring us in the face

whichever way we turn. If we are fair dinkum about this matter we should ban posters altogether, particularly political posters.

This amendment leaves the gate open to make sure that even if posters are affixed or posted illegally, whoever is the perpetrator of that offence will get off, in any case, because the amendment provides:

- (a) that the person did not foresee and could not be reasonably expected to have foreseen the likelihood that such bills would be posted unlawfully; or—

not 'and'—

- (b) that the person took reasonable precautions to ensure that such bills were not posted unlawfully.

In that case, no offence is committed. It is obvious to members that, at election time, posters will be distributed to unemployed university students or whoever goes around putting up the posters. They will be told, 'I do not want you to put them up unlawfully,' but then, according to the amendment, the responsibility leaves the person who has authorised those posters to be put up. Everyone knows what will happen. The enthusiastic campaigners will get their 10 000 posters and 10 pots of glue and, provided the person who authorised the posters has given that instruction, it does not matter whether or not the instruction is followed, according to the amendment, because all he has to do is give the instruction and he is in the clear.

Members know that the posters will go up on every telephone box, street corner and every other conceivable place. If this Parliament really wants to take care of the pollution problem and if it really cares about what is happening in respect of local government, especially as local government often has to go around and clean up the mess, it should say boldly that we believe that posters should be totally banned. Not only that, it would save much expense at election time. Despite what I have said, I will support the Minister, as I would not depart from supporting the Minister, but I believe that what we are doing here is making an empty gesture.

Mr LEWIS: I intend to support the course of action that other speakers have indicated they will follow, but I want to disabuse the members for Napier, Adelaide and Henley Beach concerning the situation that obtains at common law and their misunderstanding of the language in this instance. It is quaint that the member for Henley Beach used such terms which in their origins are contradictory: 'to ban a poster'. Bans were those notices formally and lawfully placed on posts by the church or the village, and that is where it came from; no-one else may do that. Posters were the things put on posts but put there improperly, informally and unlawfully. It predates Chaucer and in common law the practice of erecting posters.

The Hon. J.P. Trainer interjecting:

Mr LEWIS: Quite so, our language has interesting origins. The word 'bill' comes from the Norman French word *billet*; for example, *billet-doux* means 'love letter'.

Members interjecting:

The CHAIRMAN: Order! The member for Murray-Mallee.

Mr LEWIS: Most importantly, the language, as it has evolved, nonetheless survives in common law and case law to clearly indicate what we are referring to when we say, 'Post no bills.' If one does not have the authority to do it, one is breaking the law. We can rely on that to indicate to the citizen and direct the court as to what we intended. I am quite sure that consultation with any of the arts or law graduates in this Chamber—or any other student of history, for that matter—would confirm that impression, and I see the Minister of Education nodding his acknowledgment of the truth of that contribution. Therefore, it is important for

us to not pursue this matter in a pedantic fashion, because the definitions are there; they have been there longer than Parliament itself.

The Hon. T.H. HEMMINGS: I was going to keep out the rest of this debate but I must rise to comment on the member for Murray-Mallee's remark that those of us with misgivings are being pedantic. I would have thought that, as a result of pressure from the Upper House—and I do accept that the alternative amendment is as a result of that—we are being forced to be pedantic to accommodate gentlemen in another place. I do not take quite as strong a line as the member for Henley Beach, inasmuch as we should ban all forms of posters, placards and so on, particularly political posters.

In the 1989 election—and I hope the member for Adelaide is listening to this—my morning was always made when I came through North Adelaide and saw the shabby shop (which has now been done up quite well) that the member for Adelaide used as his campaign office and saw about 40 faces grinning at me. So, I would not go to the same degree as the member for Henley Beach. However, the point the member for Henley Beach made about strength is very true. I understand that amendments have been made to ensure that this Bill passes both Houses—I am a realist and I understand that. But the let out provisions are so easy that one would not even need a lawyer to get off the hook: all one would have to say is, 'I do not want these to be posted,' and one would, in effect, be in the clear. So, to a certain extent the point made by the member for Henley Beach, whilst he has assured us he will support the Minister shoulder to shoulder and will not break ranks, is valid.

Mr MATTHEW: Regrettably, we seem to be getting away from the subject matter and some members appear to be rambling. I hope to come back to the point. I realise that this is the last day of the parliamentary sitting—

The CHAIRMAN: Order! The Chair was quite satisfied that the debate, while far ranging, was within the ambit of Standing Orders.

Mr MATTHEW: Thank you, Mr Chairman. I support this amendment which has been canvassed by the member for Adelaide and commend him on his work in putting it forward. At the same time, I express surprise and delight at the Minister's change of heart in supporting this amendment. I recall the Minister in Committee stating that he would be opposing this amendment with vigour. I am delighted that the Minister has shown the good sense to be convinced by the arguments put forward by the member for Adelaide and other Opposition members during the debate on the amendment. I was concerned that we may find this amendment taking the same length of time to convince the Government over its importance as the penalties in other parts of the Bill.

As we have heard before, the penalties associated with this Bill were introduced initially in a private member's Bill in 1986 by my colleague the member for Hanson and again in 1990. On that occasion, too, the Minister opposed those amendments. I am pleased that he has now been convinced of the need for this amendment put forward by the member for Adelaide in a much shorter time frame. It is an important amendment that will add to the intent of the Bill. Once and for all we will find that those who seek to deface our city by covering it with posters and placards will face appropriate penalties. The member for Henley Beach has consistently expressed concern about political posters. I remind him that the Bill will ensure that political candidates during elections will have to obtain permission before they post their placards.

The Hon. J.P. Trainer interjecting:

Mr MATTHEW: Indeed, as the member for Walsh correctly says, so they should. Regrettably, we are aware that that does not always happen with some potential candidates. This amendment will ensure that they come within the bounds of the law and, if they do not, they will face the appropriate penalties. So, far from seeing our city covered by smiling faces, to which the member for Henley Beach referred, we will find our city covered by those smiling faces only in locations that are authorised. It is probably with some reluctance that members note that we shall not see the smiling face of the member for Henley Beach at the next election, because he will be seeking a position in another place. That perhaps may account for his version of gangster faces looking at us, believing that his will not be among them. This amendment is important. I applaud the Minister's change of tack and his support for it, and the member for Adelaide is to be commended for putting it forward in the first place.

The Hon. J.P. TRAINER: I should like to take up the point made by the member for Bright regarding the position taken by the member for Henley Beach on political posters. I think he has a point. The recent almost road-to-Damascus-like conversion of the member for Henley Beach with respect to the value of political posters arises from his recent endorsement to a fate worse than death—the anonymity of the Legislative Council. Whereas candidates and members of the House of Assembly require a certain amount of public knowledge of their existence, members of another place are in an institution where anonymity is the order of the day.

The CHAIRMAN: Order! I assume that the member for Walsh will soon return to the topic of the Bill.

The Hon. J.P. TRAINER: Indeed, Sir, because the topic of the Bill is posters, banners, *billets-doux* and other adornments of that nature. I do not share the concern expressed by the member for Henley Beach regarding political posters, nor do I completely share the view expressed by the member for Bright. One of the differences between political posters at election time and those posters that litter the neighbourhood announcing entertainments is that the promoter of entertainment does not care whether he antagonises the people upon whose property the posters are placed.

It would be a very foolish political candidate who encouraged the placement of his or her posters in such a way that it would antagonise property owners. A political candidate would be foolish indeed to antagonise people in that way. That is why the category of poster referred to by the member for Henley Beach is different. I do not support his views that they subtract from the quality of the neighbourhood in total. Admittedly, some of the smiling faces might be in the gangster category that he mentioned, but I am glad that he was not looking in my direction when he made that remark. I believe that in their own bizarre way they add a certain amount of colour to the neighbourhood at the time of elections because they are at least a visible reminder of the fact that an election is taking place.

Mr Hamilton: It looks awful.

The Hon. J.P. TRAINER: The member for Albert Park apologises for looking awful. I cannot help that. In the course of a political year and at the time of elections, campaigns tend to be dominated by the appearance of the leaders on television and by the minimal coverage that people receive in the *Advertiser*. One way in which the people of a district can be reminded that an election is being held that concerns the 20 000 people of that district is by political posters. By and large, they are legitimately placed. Those placed by the two major Parties certainly are because, by hard experience, they have learnt how unwise it is to

antagonise property owners. It is only from groups such as National Action and other racist groups that bandit-type posters are placed without authorisation or without the permission of property owners.

I turn now to another aspect of what has been proposed by the member for Adelaide with respect to his amendments regarding the onus falling upon persons foreseeing the likelihood that bills would be posted unlawfully and taking reasonable precaution to ensure that such bills were not posted unlawfully. I loyally support the Minister in this. Like the member for Henley Beach, there is no chance that I will cross the floor on this matter, but I do believe that it is possible that the amendments put forward by the member for Adelaide are a job creation scheme for lawyers because we will be left with so many fine points of interpretation as to whether a person could have foreseen an unlawful action or could have taken reasonable precautions.

I will cite one example where we might run into a bit of difficulty. I refer to a type of poster, most of which are small in size and consist of a slogan on adhesive-backed material. The back is peeled off and the sticker is placed on a suitable surface. Bumper stickers come into that category but a lot of them can be placed elsewhere. Members might be aware of a recent political campaign organised by the Arts community in South Australia with its little stickers saying things like 'Arts equals employment' and so on. Members might have noticed that they were not used predominantly as bumper stickers. They were plastered on walls, stobie poles and telephone boxes, and there was one placed at the entrance to the Festival Centre car park where we insert our magnetic key card into the slot. They are all over the walls in toilet cubicles.

The Hon. T.H. Hemmings: That tells you something.

The Hon. J.P. TRAINER: They were obviously flushed with success regarding their campaign, or maybe they thought they were decorating the cistern chapel. The very nature of these stickers is such that they were obviously intended for random distribution on any flat surface that comes to mind. How can a person or group who prepares self-adhesive stickers of that nature be considered to have 'taken reasonable precautions to ensure that such bills were not posted unlawfully'? What are they expected to do? Should they show in fine print across the bottom, 'Whoever has this in their possession is expected to place it lawfully upon a surface only with permission'? How can those who prepare these self-adhesive bills and pass them to others for distribution be considered to have not foreseen the likelihood that such bills would be posted unlawfully? The very ease of application implies that the bills will be used illegally. Perhaps either the Minister who is accepting these amendments or the member for Adelaide will explain that point to me.

Mr HAMILTON: I was reluctant to enter this debate—
Members interjecting:

Mr HAMILTON: I will ignore the interjection as something improper. This issue is a matter of considerable concern to many people in the community. It seems to me that many of us have had a gutful of these ratbag groups that run around the community posting bills that read, say, 'Lynch a Liberal'.

The Hon. T.H. Hemmings: I have never seen that one.

Mr HAMILTON: I have, and I think it is terrible, because people could say that about Labor members of Parliament also, or they could put up something like, 'Don't vote for the bastards.' I have seen that one as well, and I find it rather offensive. The people who put up those posters should be required, at least, to have the intestinal fortitude to put their names to them. Most of them, however, are spineless

and gutless and have a yellow streak down the back. They do not have the intestinal fortitude to front people about it.

A couple of other points have been raised in the debate; you, Sir, have allowed it to range far and wide. One matter relates to election campaigns. Quite frankly, when I look around at some of the baby photos that have been resurrected and stuck on members' election boards, I shriek in horror. I have not gone back that far: I go back only to 1980, unlike some of the baby photographs we see hanging around different districts.

Members interjecting:

The CHAIRMAN: Order! There is too much audible conversation in the Chamber. The Chair was attempting to listen to the serious contribution of the member for Albert Park.

Mr HAMILTON: Thank you, Sir, for your protection against these people on this side who seem intent on not allowing me to make my contribution in peace. The member for Henley Beach has a point when he talks about our not having some of these photographs 'adorning' almost every vantage point throughout the community. Imagine getting up at 7 o'clock in the morning to catch a train and seeing the ugly face of the candidate for a particular Party staring at you at every railway station! If you had had a hard night out the night before, it might be enough to make you sick.

I, like my colleague, will not vote against the Minister, but I would have preferred to support that amendment. I know what it costs ETSA, for example, to clean up all the posters and bills that I have seen around the place over many years. I hesitate to vote against the motion, but this matter is worth considering. I am probably having two bob each way in this and in that I am a trade unionist: I still pay my contributions, proudly, to the Australian Railways Union every year. The printing of bills creates much work in the printing industry, and I must confess to having a pecuniary interest as I have a son in that field. It may be claimed that I am biased in some way but, as my colleagues say, without fear or favour I raise these matters in this place. I know that in years to come when people read this contribution, they will be fascinated by the way in which I have eloquently outlined my position.

The Hon. M.D. RANN: In reluctantly closing the debate from this side, I wish to bring the Committee back to the central point of the Bill, which is not posters but the fact that we have supported in a bipartisan way—with the exception of the Australian Democrats—the toughest legislation against graffiti in this nation if not the western world. I point out that not only have we doubled the penalties and the prison sentence but we have also introduced a range of new offences. The issue of posters is an important side issue and one that has generated a great deal of debate in the Upper House jurisprudentially. I ask members to note that, because I have a long standing interest in jurisprudence, as any member who reads the regular bulletins of the Australian Institute of Criminology would recognise from some of my contributions.

I want to point out today that this is a protection for those like the Minister of Education because there are people who have swamped his electorate with 'Crafter Crimebuster' posters, and there have been 'I like Mike' posters in Salisbury. It is a protection for people like us who obey the law when it comes to fixing posters. I commend the amendment to the Committee.

Dr ARMITAGE: In closing the debate from this side of the Committee, I point out that the amendments are in the category of the baby in the bathwater. They are in addition to penalties that apply to people who actually post bills.

Much mention has been made of electoral posters, and I think it is appropriate that in future they will all be lawfully posted. I can guarantee that Mr Minchin, as the person authorising our posters, and I assume Mr Cameron, authorising the Government's posters—

The Hon. M.D. Rann interjecting:

Dr ARMITAGE: Quite possibly—would be distressed if they were put up in unusual places. Mention has been made of a large number of posters of mine that were put up in the 1989 campaign, and I would like to confess to the Committee that I do know of one example where one poster went up unlawfully. It was put up by one of my keen young supporters and it took from 7.30 to 8.30 in the morning for me to take it down after prising it off the guard surrounding the tree—all the cars were going past.

As to electoral posters, I would like to point out that they are taken down, and I think the member for Walsh pointed out a number of other differences between entertainment posters and electoral posters. I believe it is rare, more than a day or so after an election, to still see an election poster whereas, at a dozen different sites in Adelaide, the only reason one cannot see posters advertising entertainment from six months ago is that they have been posted over with more recent entertainment posters. There is no incentive for entertainment posters to be taken down. The member for Napier said that the let-out clauses were too free and easy, but the amendment provides that a person will be guilty of an offence unless it can be proven that that person could not reasonably be expected to have foreseen the likelihood that the bills would be posted unlawfully.

It is my view that, if someone in fact does have a thousand posters and 10 pots of glue, they could reasonably expect that they will be posted unlawfully. Indeed, previous behaviour, of course, would be taken into account. If someone had been in the bad books of the police or the courts two or three times before for similar offences, and they just kept saying, 'Look, it's not my fault, I asked them not to do it,' I am sure the courts would take that as part of the general situation.

An honourable member: What about self-adhesives?

Dr ARMITAGE: I think self-adhesives apply in exactly the same way. In closing the debate, I thank the Minister and the members of his staff for their frequent trips around Parliament to find various people to organise this amendment. Mr Chairman, I thank you for your concurrence, and all members, and I am sure South Australia will be a more visually and pleasing place with the passage of this amendment.

Motion carried.

Dr ARMITAGE: I move:

That the following alternative amendments be agreed to:

Clause 3—

Page 1—

Line 19—Leave out 'affixes a bill, poster or placard to' and insert 'posts a bill on'.

Lines 24 to 29—Leave out subclause (2) and insert the following subclause:

(2) Where a bill is posted without lawful authority, a person who distributed or authorised the distribution of such bills for posting is guilty of an offence unless it is proved—

(a) that the person did not foresee and could not be reasonably expected to have foreseen the likelihood that such bills would be posted unlawfully;

or

(b) that the person took reasonable precautions to ensure that such bills were not posted unlawfully.

Penalty: Division 7 fine or division 7 imprisonment.

Amendments carried.

STATUTES AMENDMENT (SENTENCING) BILL

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the House of Assembly insist on its amendment, to which the Legislative Council had disagreed.

Motion carried.

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the House of Assembly do not insist on its amendments Nos 2 and 3, to which the Legislative Council had disagreed.

Mr S.J. BAKER: I support the Minister's motion but indicate that, if the motion is agreed to, I will move that alternative amendments be made in lieu thereof, and these have been circulated. In looking at the amendments that we had before us, we did realise that the two important principles involved in the protection of our juries still had to be upheld. We understand that the original construction of the amendments left some difficulties that had to be overcome specifically in relation to the amendments that we are not insisting on, we recognise that it does not leave great scope for researchers and investigators to look back at previous decisions and to test whether those were appropriate.

I know that the Stewart Cockburn involvement in the Splatt case has been mentioned in this Parliament, but the principle is, of course, that if there is some injustice then we should not put barriers in the way of that injustice being repaired. In the same way, the issue of identification of jurors was far too prescriptive. It did not allow for proper publication under particular circumstances. So, when the Opposition moved the amendments in relation to protection of jurors, we did so in the firm belief that there had to be a set of rules which would protect them but not prevent the proper pursuit of justice. That is why we are agreeing with the Government to not insist on the amendments as they were previously formed. As an alternative, we suggest some change in wording which will omit the concerns that have been expressed about the original amendments.

Specifically, we have allowed for some identification in particular circumstances, but we believe there should be a time limitation on the law as it applies. As has been pointed out, it is stretching the issue too much to say that no correspondence should be entered into forever. We know that statutes of limitation govern various secret Cabinet documents, but under the provisions that we were enacting these rules would have prevailed forever in particular cases. Therefore, the issue of practicality came into focus. We believe that a time limit should be placed upon the publication or broadcasting of such material or matter after the expiration of six months from the completion of the trial and any appeal procedures relating to the trial. This is an important amendment. When the matter has been thoroughly canvassed before the courts, including the appeals, the stringency of the rules should no longer apply.

In the same way, when we were moving towards preventing the intervention of outside forces either during or after a trial, we were concerned that we should have a rule which clearly indicated that this Parliament believed it was inappropriate to interfere with the judgments and deliberations of juries.

We also believe it is inappropriate for journalists or others to harass jurors or former jurors. We believe that it is

inappropriate to canvass the deliberations of juries which had reached proper conclusions, and somehow cast doubt on the outcome. In America—there are other examples—we have seen that after the event there has been scrutiny of the circumstances surrounding a particular case which has reflected on the judgment. We would say that on some occasions that process has led to a diminution of the law because selective journalism has been involved and conclusions have been drawn before the evidence has even been published. The writers thereof have had a particular outcome in mind and have pursued it and reported selective parts of the evidence or the deliberations of jurors so that they fit the conclusions that they wish to draw.

We believe that a further modification is appropriate. Chequebook journalism is out. We do not believe that, in circumstances where there is some canvassing of juries for their deliberations and the reasons why they have made decisions, there should be any bonus or reward. Further thought has been given to the extent to which the recipients of such bonuses via chequebook journalism should also be penalised. At this stage, we feel confident that the person offering the prize, reward or bribe should be the person who suffers the penalty. Our proposed alternative amendment to section 244b states:

A person who gives, offers or agrees to give a material benefit as a reward or inducement for the disclosure of the information about the deliberations of a jury is guilty of an offence.

I believe that the law will be strengthened if both Houses accept the alternative amendments as proposed. I will reflect on one of the amendments just briefly and suggest that there may have to be further scrutiny of it at another time. I am concerned about the wording, 'subject to this section, a person who, without lawful authority, wilfully publishes'. There might need to be slight modification of that wording because how can a person who has lawful authority wilfully publish? There seems to be a conflict of terminology in that regard. I am sure that the profession will sort that out. I am looking at it from a layman's point of view, so I cannot judge its validity in terms of what would be recognised by the court or how it would be dealt with. It seems to negate some of the impact of the measure but wiser heads prevail because of their greater knowledge of and qualifications in the law. I will move these alternative amendments on the determination of the other motion so that our law can be strengthened in a way that all South Australians will applaud.

The Hon. G.J. CRAFTER: The Government does not intend to divide on these amendments. However, I rise to sound a note of caution that the Government will monitor the application of this law with considerable interest to see whether the administration of justice and the confidence of the community in our criminal justice system is not inhibited by the impact of these amendments. When next the media call Adelaide 'suppression city' I think the Opposition will need to assess its approach in advancing these amendments in this form.

The Deputy Leader quoted the work done in achieving a pardon for Mr Splatt, and I would also refer to the debate around the Bjelke-Petersen trial and the actions of a particular juror in that trial. I also draw attention to the statements made yesterday by a juror in the case in Los Angeles in which videotape evidence of a person being beaten by police was rejected by that jury. Comments were made as to the reasons why the jury rejected it.

We have seen a subsequent loss of confidence in a large proportion of the population of Los Angeles in their police force, their criminal justice system, their courts and, in particular, their system of trial by jury. We do not want to see any loss of confidence in our community in our criminal justice system, which I think we all agree serves our com-

munity well. The confidence that our community has in the jury system has been earned over a long time by the application of our existing laws. The positive role that the press and others can play with a sense of community responsibility is at risk to some extent if the effect of these amendments is to suppress and hinder that release of information which could uncover corruption, illegal practices and so on in our community. I sound that note of warning about these alternative amendments.

Motion carried.

Mr S.J. BAKER: I move:

No. 2. Page 8, clause 7—After line 11 insert clause as follows: Disclosure, etc., of identity or address of juror

244a (1) Subject to this section, a person who, without lawful authority, wilfully publishes any material or broadcasts any matter containing any information that is likely to lead to the identification of a juror or former juror in a particular trial is guilty of an offence.

Penalty: \$8 000 or imprisonment for 2 years.

(2) This section does not apply to—

(a) the identification of a former juror with the consent of the former juror;

or

(b) the publication or broadcasting of such material or matter after the expiration of six months from the completion of the trial and any appeal proceedings relating to the trial.

(3) In this section, a reference to the identification of a juror or former juror includes a reference to the disclosure of the address of the juror or former juror.

No. 3. Page 8, clause 7—After line 11 insert clause as follows: Harassment or giving of benefits, etc., to obtain information about jury's deliberations

244b (1) A person who harasses a juror or former juror for the purpose of obtaining information about the deliberations of a jury is guilty of an offence.

Penalty: \$8 000 or imprisonment for 2 years.

(2) A person who gives, offers or agrees to give a material benefit as a reward or inducement for the disclosure of information about the deliberations of a jury is guilty of an offence. Penalty: \$8 000 or imprisonment for 2 years.

(3) For the purposes of this section, the deliberations of a jury include statements made, opinions expressed, arguments advanced or votes cast by members of the jury in the course of their deliberations.

Amendments carried.

SUBORDINATE LEGISLATION (EXPIRY) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments Nos 1, 2, 3 and 4 and had disagreed to amendment No. 5.

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the House of Assembly do not insist on its amendment No. 5.

Mr S.J. BAKER: We are very disappointed with the Government's stance on this matter. Obviously, the principle should be across the board and we should not make exceptions. We believe it is up to the Government to ensure that the regulations it puts forward will stand the test of time. If there is an immediacy (which is suggested in particular cases) the 12 month rule should apply, if they have not been thought through previously and need to be done in a hurry. That was the proposition put forward.

A number of mechanisms make the scheme workable. The Government has seen fit on this occasion to say that, despite all the open doors that people can get through—with some penalty, I might say—if a Government Minister or local government authority has not properly thought through the process and needs to make changes and the required changes need to be implemented immediately, that body, authority or person will have to resubmit, and we

should not have exceptions. That is a good general rule. I congratulate the member for Elizabeth on his untiring efforts to improve the way Parliament operates and to ensure that people in the community receive a fairer go. They are not receiving a fair go at the moment. As an example, in regulatory terms, there are the massive changes that were made on the last Thursday of the 1990-91 financial year when 800 increases in charges suddenly appeared in the *Gazette*, and the *Gazette* could not be published on the Thursday because it was so large, and had to roll into the Friday.

The amendments tell everyone concerned that they have a responsibility: they cannot expect a quick fix solution but must take it through the proper process. They must think in advance and, whatever they do, they must provide time for their proper and due consideration. I am pleased that the principle is now being inserted in the law. With the examples that will be forthcoming over the next 24 months as people get used to the new system, I hope that this amendment can be reinstated. I do not agree with the Government but will not be dividing on this issue.

The Hon. G.J. CRAFTER: Perhaps by way of explanation I should put on record the Government's reasons for dealing with this matter in the way in which it has. Members will recall that when this Bill came to this place section 16a had been amended by striking out paragraphs (b), (e) and (f) and substituting a new paragraph (f). Paragraph (b) provided that regulations made by an authority established or incorporated under an Act relating only to the internal affairs of the authority or the use of its land, premises or property were exempt from the regulation expiry program. Paragraph (e) provided that rules of court were exempt and paragraph (f) that prescribed regulations or regulations of a prescribed class were exempt. New paragraph (f) provided that regulations made by a person, body or authority other than the Governor were exempt from the expiry program. This new paragraph embraced old paragraphs (b) and (e) and covered other regulations which have to be laid before Parliament, but are not made by the Governor.

The amendment to clause 2 made in this place was to make rules of court subject to automatic expiry as well as those made by some body other than the Governor, although those covered by existing paragraph (b) will continue to be exempt. The view expressed in the other place (by all members) was strongly of the opinion that rules of court should not be subject to the automatic expiry provisions. Rules of court are made by the judiciary to regulate the procedure and practice of the courts. The rules are constantly under review and it is, apart from propriety, a waste of judicial resources to include the rules in the expiry program, when the regulation review procedures should be focusing on business, industry and occupational licensing.

A further difficulty expressed was that, if the amendment made in this place is insisted upon, there will be very little time for the courts to identify, examine and re-do rules which were made before 1 January 1976 as these will expire on 1 September this year. The new District Court and Magistrates Court Acts will mean there is no problem in those courts. The bulk of the Supreme Court rules will also be unaffected because new general rules were promulgated in 1986. However, the Supreme Court has rules made under a plethora of Acts—some of which have been recently completely changed and others which have not. To take just a few examples of ones which will lapse, in whole or in part—Administration and Probate Act rules, Service and Execution of Process Act rules, Legal Practitioners Act Trust Account and other various rules, Settled Estates Act, Trustee Act and so on. Other courts which will be affected, and this

is after only a cursory consideration, are the Coroner's Court, the Industrial Court and the Warden's Court.

Further, the proposed new paragraph (f) (in the Bill when first received from the other place) recognised that the regulation expiry program is resource intensive and was designed to ensure that resources were directed at achieving the primary aim of the program—business de-regulation—to eliminate unnecessary regulations which affect people in their day to day dealings. The resources necessary to identify all regulations made by a person, body or authority other than the Governor will be considerable. Present paragraph (b) excluded some of these from the program but requires each set of, for example, by-laws to be examined to determine whether they do only relate to internal affairs or use of the body's land, premises or property.

There are many bodies created by statute which may have regulations falling within proposed paragraph (f). They range from rules made by the various disciplinary tribunals under the Legal Practitioners Act, the Dentists Act, etc., to rules made by, for example, the Council of the National Trust of S.A., the Boy Scout Association, the Trustees of the Da Costa Samaritan Fund, or by the board of the Wyatt Benevolent Institution. These latter examples are of bodies created by or continued in existence by private Acts of Parliament—all of which contain rule making powers and the bodies concerned have nothing to do with the Government and are not subject to any scrutiny or control by Government. While some of the rules would no doubt relate to the internal affairs of the body and therefore be exempt from expiry under paragraph (b), there seems little merit in subjecting such bodies to the requirements to obtain advice as to the status of their rules and to require them to be remade on expiry.

There is also the obvious possibility or unintended expiry and the legal consequences thereof. These problems would all arise if this House insists on its amendments. There is the additional practical difficulty that Parliamentary Counsel does not generally draft the regulations encompassed by proposed paragraph (f) so they have no record of them. There is a real danger that these unidentified regulations will expire without anyone being aware that they have actually expired.

Given these very practical problems, the other place has indicated it considers the sensible thing is to exclude the regulations contained in proposed paragraph (f) from the expiry program as they are peripheral to the regulation expiry scheme and will require the use of scarce resources for little or no benefit. The Parliamentary Counsel would inevitably become involved in drafting or checking the bulk of the regulations which are encompassed by proposed paragraph (f). Further, somebody will have to take responsibility for locating all these regulations and this will have to be done well before 1 September 1992, just a few months away. Taking into account all these matters it is for these reasons that the House should not insist on amendment No. 5.

Mr S.J. BAKER: Briefly, I fail to be convinced, but we shall see. It is important to have a consistent set of rules. I would like to correct one mistake I made earlier when I said that they had 12 months to rectify the situation—in fact, they have two years. I believe it is important that we have proper checks and balances and that we allow time to elapse before something comes in to existence and applies. The Parliament should not be constantly hijacked by departmental heads and authorities who rush up with regulations and say, 'These are going to expire by 30 June and we have to have a new set by 1 July and we need the concurrence of the Parliament.' Constantly, we are put into an unenvi-

able situation and there have been occasions where, because of this crazy system under which we operate, no regulations have been in existence for a certain period. I take the points made by the Minister, but I believe that they need to be further reflected upon. The Opposition is pleased to support the general thrust of the Bill, but on the proviso that we look at these other areas that have been exempted.

Motion carried.

Mr S.J. BAKER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable those Orders of the Day: Regulations/Committees and Orders of the Day: Other Motions set down for Thursday 7 May where debate has ensued to be taken into consideration forthwith, without debate.

Motion carried.

TRAFFIC INFRINGEMENT NOTICES

Adjourned debate on motion of Mr Gunn:

That the regulations under the Summary Offences Act 1953 relating to Traffic Infringement Notices—Obscuring Number Plates, made on 13 February and laid on the table of this House on 18 February 1992, be disallowed.

(Continued from 9 April. Page 4129.)

Motion negatived.

Members interjecting:

The SPEAKER: Order! The House will come to order. Members will resume their seats. A considerable number of votes have to be taken today. It was apparent to the Standing Orders Committee that there would be a problem grasping the nettle in respect of private members business. I ask for the attention of all members so that we can deal with these matters effectively, quickly and efficiently.

SELECT COMMITTEE ON PRIVACY

Adjourned debate on the question—That the report of the select committee be noted.

(Continued from 10 October. Page 1078.)

Motion carried.

HIRE AND DRIVE YACHTS

Adjourned debate on motion of Mr Meier:

That the regulations under the Boating Act 1974 relating to hire and drive, made on 26 September and laid on the table of this House on 8 October 1991, be disallowed.

(Continued from 31 October. Page 1660.)

Motion carried.

PUBLIC SECTOR ASSET MANAGEMENT DEVELOPMENTS

Adjourned debate on the question—That the report be noted.

(Continued from 9 April. Page 4129.)

Motion carried.

MINISTERS' ATTENDANCE

Adjourned debate on motion of Mr Oswald:

That this House expresses its concern at the failure of Ministers to come into the House during private members' time to respond to motions which affect their portfolios and who delegate their responses to junior backbenchers who have no responsibility for the subjects raised.

(Continued from 30 April. Page 4648.)

Motion negatived.

COAT OF ARMS

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

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

(Continued from 30 April. Page 4649.)

Motion negatived.

HOUSING TRUST

Adjourned debate on motion of Mr Holloway:

That this House rejects Opposition proposals to abandon the construction program of the South Australian Housing Trust in favour of a private rental subsidy scheme and calls on the Federal Government to provide additional support for public housing in South Australia,

which Mr Brindal had moved to amend by leaving out all words after 'House' up to and including the word 'and'.

(Continued from 9 April. Page 4137.)

Amendment negatived; motion carried.

COUNTRY RAIL PASSENGER NETWORK

Adjourned debate on motion of Mr Venning:

That this House calls on Australian National, in cooperation with the State Transport Authority, to proceed towards the re-establishment of a country rail passenger network with priority being given to services for the Iron Triangle and the South-East, which Mrs Hutchison had moved to amend by leaving out all words after the word 'on' and inserting in lieu thereof the words:

the Federal Government to re-establish the country rail passenger network to Whyalla, Mount Gambier and Broken Hill with priority being given to services to the Iron Triangle and the South-East,

which Mr Holloway had also moved to amend by leaving out all words after 'House' and inserting in lieu thereof the words:

regrets the failure of the Federal Government to re-establish the country rail passenger network to Whyalla, Mount Gambier and Broken Hill but applauds the positive consequences that will follow from the Commonwealth's decision to standardise the Adelaide to Melbourne rail link, upgrade the Port Augusta rail workshops and construct a rail loop at Outer Harbor.

(Continued from 9 April. Page 4138.)

Mr Holloway's amendment carried; motion as amended carried.

THIRD ARTERIAL ROAD

Adjourned debate on motion of Mr Matthew:

That this House calls on the Government as a matter of priority to commence construction of phase 2 of the third arterial road in order to alleviate traffic problems on Brighton and South Roads and condemns the Government for attempting to spread the road building project over an unacceptable length of time.

(Continued from 9 April. Page 4139.)

The House divided on the motion:

Ayes (16)—Messrs Allison, Armitage, S.J. Baker and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew (teller), Meier, Oswald, Venning and Wotton.

Noes (19)—Messrs Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway (teller) and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs Quirke, Rann and Trainer.

Pairs—Ayes—Messrs D.S. Baker, Becker, Brindal and Such. Noes—Messrs L.M.F. Arnold, Atkinson, Mayes and McKee.

Majority of 3 for the Noes.

Motion thus negatived.

PUBLIC TRANSPORT CURFEW

Adjourned debate on motion of Mr Matthew:

That this House calls on the Government to abandon its short-sighted decision to cease operating public transport at 10 p.m. on Sunday to Thursday of each week without providing for an alternative means by which South Australians can gain access to affordable transport,

which the Hon. T.H. Hemmings had moved to amend by leaving out all words after the word 'Government' and inserting in lieu thereof the words 'to continue discussions with all parties potentially affected by the Government's recently announced changes to public transport finishing times, with a view to ensuring that public transport, or a satisfactory alternative, continues after 10 p.m. on Sunday to Thursday of each week'.

(Continued from 2 April. Page 3868.)

Amendment carried; motion as amended carried.

ECONOMY

Adjourned debate on motion of Mr Venning:

That, because of the parlous state of the nation's economy, this House demands that the following urgent measures be implemented by the Federal Government immediately—

- (a) abolition of payroll tax;
- (b) abolition of the 17.5 per cent annual leave loading;
- (c) abolition of penalty rates; and
- (d) return to a 40 hour, five day week,

which the Hon. T.H. Hemmings had moved to amend by leaving out all words after 'that' and inserting in lieu thereof the words 'this House calls on the Federal Government to negotiate with the States on options to replace payroll tax with a more appropriate source of revenue'.

(Continued from 2 April. Page 3870.)

Amendment carried; motion as amended carried.

EDUCATION REVIEW UNIT

Adjourned debate on motion of Mr De Laine:

That this House acknowledges the work of the Education Review Unit since its establishment in 1989, notes that it has conducted reviews of 231 schools, three operational and support units and five program and policy areas and calls on the Minister of Education to ensure that final ERU reports are made available to the Parliamentary Library,

which Mr Lewis had moved to amend by inserting after the words 'the Minister of Education to' the words 'recognise its findings, respect its recommendations and insist that his department implement such changes of policy as proposed in its reports or otherwise state reasons why he and the department rejects them and, further, calls on the Minister to'.

(Continued from 27 February. Page 3534.)

Amendment negated; motion carried.

AUSTRALIAN TAXATION OFFICE

Adjourned debate on motion of Mr Matthew:

That this House conveys its disappointment to the Commonwealth Government over the failure of that Government to locate at least one of the proposed new Australian Taxation Office buildings in the vicinity of Noarlunga Centre or Westfield Marion Shopping Centre in preference to central Adelaide,

which Mr Quirke had moved to amend by leaving out all words after the word 'buildings' and inserting in lieu thereof the words 'outside of the Adelaide central business district on land appropriately zoned'.

(Continued from 27 February. Page 3134.)

Amendment carried; motion as amended carried.

STATE FIRE SERVICES

Adjourned debate on motion of Hon. T.H. Hemmings:

That this House endorses the current constructive moves to rationalise the communications and training facilities of the South Australian Metropolitan Fire Service and the South Australian Country Fire Service.

(Continued from 27 February. Page 3135.)

Motion carried.

'BUY A MATE A JOB' CAMPAIGN

Adjourned debate on motion of Hon. T.H. Hemmings:

That this House supports the 'Buy a mate a job' campaign by the South Australian Chamber of Commerce and Industry, SA Great and Kickstart designed to encourage South Australians to support local jobs and industry by buying Australian made and locally produced items.

(Continued from 27 February. Page 3136.)

Motion carried.

WHEAT

Adjourned debate on motion of Mr Blacker:

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

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

(Continued from 19 March. Page 3412.)

Motion carried.

TEA TREE GULLY POLICE STATION

Adjourned debate on motion of Mrs Kotz:

That this House condemns the proposed closure of the Tea Tree Gully police station between the hours of 11 p.m. and 7 a.m. and calls on the Government to support its own policy of neighbourhood and community-based policing and reject the proposed closure forthwith,

which Mr Holloway had moved to amend by leaving out all words after 'House' and inserting in lieu thereof the words 'acknowledging that an adequate police presence is necessary for the well being and security of the community, expresses full confidence in the expertise of the Police Commissioner to use the record allocation of resources provided to the Police Department to the community's best advantage'.

(Continued from 20 February. Page 3000.)

Amendment carried.

The House divided on the motion as amended:

Ayes (19)—Messrs Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway (teller) and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs Quirke, Rann and Trainer.

Noes (17)—Messrs Allison, Armitage, D.S. Baker, S.J. Baker and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Gunn and Ingerson, Mrs Kotz (teller), Messrs Lewis, Matthew, Meier, Such, Venning and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold, Atkinson, Mayes and McKee. Noes—Messrs P.B. Arnold, Becker, Brindal and Oswald.

Majority of 2 for the Ayes.

Motion as amended thus carried.

COMMUNITY POLICE STATIONS

Adjourned debate on motion of Mr Matthew:

That this House calls on the Government to investigate as a matter of priority the establishment of police stations at Hallett Cove and Brighton as part of the commencement of a move back to community police stations,

which Mr Quirke had moved to amend by leaving out all words after 'House' and inserting in lieu thereof the words 'supports the Police Commissioner's right and duty to allocate available police resources, including the location of police stations in the best interests of the people of South Australia'.

(Continued from 20 February. Page 3002.)

Amendment carried; motion as amended carried.

CONSUMPTION TAX

Adjourned debate on motion of Mr Quirke:

That this House condemns moves by the Liberal Party at both the Federal and State levels to bring in a broad-based consumption tax.

(Continued from 28 November. Page 2501.)

The House divided on the motion:

Ayes (19)—Messrs Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hoppood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs Quirke (teller), Rann and Trainer.

Noes (17)—Messrs Allison, Armitage, D.S. Baker, S.J. Baker (teller) and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Such, Venning and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold, Atkinson, Mayes and McKee. Noes—Messrs P.B. Arnold, Becker, Brindal and Oswald.

Majority of 2 for the Ayes.

Motion thus carried.

YOUTH DETENTION CENTRE

Adjourned debate on motion of Mr Oswald:

That this House express its dissatisfaction with the reply by the Minister of Family and Community Services which was given to the member for Morphett on Tuesday 8 October when he required a deferral of the plans for the proposed Youth Detention Centre at Cavan until after the Select Committee on Juvenile Justice has had an opportunity to address the subject and calls on the Government to withdraw the plans from the Public Works Standing Committee so as not to pre-empt any deliberations by the select committee.

(Continued from 28 November. Page 2501.)

Motion negated.

ECONOMY

Adjourned debate on motion of Mr S.J. Baker:

That this House condemns the Government for its disregard of the misery caused by its economic policies and financial negligence and demands that it give prime consideration to the future of South Australian business in order to provide jobs.

(Continued from 21 November. Page 2204.)

The House divided on the motion:

Ayes (17)—Messrs Allison, Armitage, D.S. Baker, S.J. Baker (teller) and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Such, Venning and Wotton.

Noes (19)—Messrs Bannon, Blevins, Crafter (teller), De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hoppood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs Quirke, Rann and Trainer.

Pairs—Ayes—Messrs P.B. Arnold, Becker, Brindal and Such. Noes—Messrs L.M.F. Arnold, Atkinson, Mayes and McKee.

Majority of 2 for the Noes.

Motion thus negated.

LANDCARE AUSTRALIA LIMITED

Adjourned debate on motion of Hon. T.H. Hemmings:

That this House records its appreciation to the numerous rural community groups who have wholeheartedly supported Landcare in South Australia.

(Continued from 31 October. Page 1665.)

Motion carried.

COUNTER RECESSIONARY PACKAGE

Adjourned debate on motion of Hon. T.H. Hemmings:

That this House calls on the Federal Government to implement a counter recessionary package aimed at providing employment and training opportunities, bringing forward major infrastructure programs and expanding initiatives announced in the March Industry Statement.

(Continued from 31 October. Page 1668.)

Motion carried.

ENTERPRISE BARGAINING

Adjourned debate on motion of Mrs Hutchison:

That this House applauds moves by the Government to ensure that trade unions are involved in the development of enterprise bargaining arrangements and declares its opposition to any attempt to implement legislation similar to the Employment Contracts Act recently introduced in New Zealand and, further, this House calls on the Federal Parliament to resist any moves to implement such legislation at the national level.

(Continued from 31 October. Page 1670.)

Motion carried.

MAGAREY MEDAL

Adjourned debate on motion of Hon. J.P. Trainer:

That this House congratulates NWS Channel 9 and the South Australian National Football League for acknowledging the social realities of the twentieth century by admitting women to the 1991 Magarey Medal presentation as partners of players attending the counting ceremony.

(Continued from 12 September. Page 817.)

Motion carried.

[Sitting suspended from 3.45 to 5.30 p.m.]

SUMMARY OFFENCES (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment and that it had agreed to the House of Assembly's alternative amendments.

STATUTES AMENDMENT (SENTENCING) BILL

The Legislative Council intimated that it did not insist on its disagreement to the House of Assembly's amendment.

[Sitting suspended from 5.32 p.m. to 5.35 a.m.]

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

The Legislative Council intimated that it had agreed to the alternative amendments made by the House of Assembly in lieu of amendments Nos 2 and 3.

GAMING MACHINES BILL

Returned from the Legislative Council with the following amendments:

No. 1 Page 1 (clause 2)—After line 15 insert new subclause as follows:

(2) In making a proclamation for the purposes of this section, the Governor cannot fix different days for different provisions to come into operation or suspend any provision.

No. 2 Page 2 (clause 3)—After line 4 insert new definition as follows:

'the board' means the State Supply Board.

No. 3 Page 2, line 11 (clause 3)—Leave out paragraph (a).

No. 4 Page 2, line 37 (clause 3)—After 'director' insert 'or a member of the governing body.'

No. 5 Page 4, line 2 (clause 6)—After 'fine' insert 'or division 7 imprisonment'.

No. 6 Page 4 (clause 7)—After line 10 insert subclauses as follows:

(2) Subject to subsection (3), hearings before the Commissioner are open hearings.

(3) If the Commissioner of Police so requests, on the ground that information to be given in proceedings should remain confidential, the Commissioner will direct that no person other than—

(a) the parties to those proceedings and their counsel or representatives;

(b) witnesses, while giving evidence;

and

(c) officers assisting the Commissioner, be present in the room while the proceedings are being heard.

No. 7 Page 4, line 22 (clause 8)—After 'by' insert—

'

(a)'

No. 8 Page 4 (clause 8)—After line 22 insert—

'or

(b) by counsel'.

No. 9 Page 5 (clause 11)—After line 11 insert new subclause as follows:

(3) Unless the authority recommends that a report should remain confidential, the Minister must, within six sitting days of receiving a report under subsection (2), cause a copy of the report to be laid before each House of Parliament.

No. 10 Page 5, line 44 (clause 12)—After 'fine' insert 'or division 7 imprisonment'.

No. 11 Page 6 (clause 12)—After line 19 insert new subclause as follows:

(5a) The authority may sit at any time and in any place (including a place outside this State) and may adjourn its sittings from time to time and from place to place.

No. 12 Page 6, line 38 (clause 13)—After 'by' insert—

'

(a)'

No. 13 Page 6 (clause 13)—After line 38 insert—

'or

(b) by counsel'.

No. 14 Page 7, lines 12 and 13 (clause 14)—Leave out 'sell, supply or install' and insert 'sell or supply to the Board, or to another holder of a gaming machine dealer's licence.'

No. 15 Page 7 (clause 14)—After line 14 insert new paragraph as follows:

(ba) gaming machine supplier's licence: subject to this Act and the conditions of the licence, a gaming machine supplier's licence authorises the licensee, acting through an approved agent, to purchase from a licensee gaming machine dealer, and to sell or supply to the holders of gaming machine licences, approved gaming machines, prescribed gaming machine components and gaming equipment.

No. 16 Page 7, line 19 (clause 14)—Leave out 'technician's' and insert 'service'.

No. 17 Page 7, line 20 (clause 14)—Leave out 'technician's' and insert 'service'.

No. 18 Page 7, line 23 (clause 14)—After 'only' insert 'one gaming machine supplier's licence'.

No. 19 Page 7, line 23 (clause 14)—After 'monitor licence' insert 'and one gaming machine service licence'.

No. 20 Page 8, line 23 (clause 16)—Leave out '100' and insert '40'.

No. 21 Page 8, line 27 (clause 16)—Leave out '100' and insert '40'.

No. 22 Page 8, line 30 (clause 16)—Leave out '100' and insert '40'.

No. 23 Page 9 (clause 19)—After line 33 insert new paragraph as follows:

(aa) the Commissioner may cause the person's photograph and fingerprints to be taken;

No. 24 Page 10—After line 4 insert new clause as follows:
Holder of monitor licence cannot hold other licences

21a. The holder of the gaming machine monitor licence cannot hold any other licence under this Act.

No. 25 page 10—After line 29 insert new clause as follows:
The State Supply Board to hold certain licences

24a. (1) The board will be granted—

(a) the gaming machine supplier's licence;

and

(b) the gaming machine service licence.

(2) Sections 18 and 19 do not apply to or in relation to the grant of a licence to the board.

(3) The board cannot appoint a person to act as its agent in the performance of its functions as a licensee unless that person has been approved by the Commissioner to act as such an agent.

(4) The board cannot act under the gaming machine supplier's licence except through an approved agent.

No. 26 Page 11, line 26 (clause 26)—After 'Commissioner' insert 'may exercise the same powers and'.

No. 27 Page 11, line 27 (clause 26)—After 'she' insert 'may exercise, or'.

No. 28 Page 12, line 39 (clause 29)—Leave out 'a particular gaming machine licence' and insert 'the application'.

No. 29 Page 12 (clause 29)—After line 40 insert new subclause as follows:

(2) The Commissioner of Police is a party to any proceedings in which he or she has intervened.

No. 30 Page 14, line 8 (clause 34)—Leave out 'indictable offence' and insert 'offence punishable by imprisonment'.

No. 31 Page 14—After line 37 insert new clause as follows:

Commissioner may approve agents of the board

36a (1) The Commissioner may, on application by the board approve a person to act as an agent of the board.

(2) The Commissioner cannot approve a person to act as an agent of the board if the person—

(a) is the holder of a gaming machine licence or a gaming machine dealer's licence;

or

(b) is associated with the holder of a gaming machine licence or a gaming machine dealer's licence.

(3) A person is associated with the holder of a gaming machine licence or a gaming machine dealer's licence if that person is—

(a) a body corporate of which the licensee is a director or a member of the governing body;

(b) a proprietary company in which the licensee is a shareholder;

(c) a beneficiary under a trust or an object of a discretionary trust of which the licensee is a trustee;

(d) a partner of the licensee;

(e) an employer or an employee of the licensee;

or

(f) the spouse, parent or child of the licensee.

No. 32 Page 15 (clause 39)—After line 18 insert new subclause as follows:

(4a) The Commissioner cannot approve a person to act as an agent of the board unless satisfied, by such evidence as he or she may require, that the person is a fit and proper person to act as such an agent.

No. 33 Page 15, line 19 (clause 39)—Leave out 'or (4)' and insert ', (4) or (4a)'.

No. 34 Page 15, lines 19 and 20 (clause 39)—After 'Commissioner' insert 'may cause the person's photograph and fingerprints to be taken and'.

No. 35 Page 15 (clause 40)—After line 29 insert new subclause as follows:

(2) The Commissioner of Police is a party to any proceedings in which he or she has intervened.

No. 36 Page 16, line 9 (clause 42)—Leave out 'a gaming machine licence' and insert 'the gaming machine supplier's licence or the holder of'.

No. 37 Page 16, line 16 (clause 42)—After 'fine' insert 'or division 5 imprisonment'.

No. 38 Page 16, line 21 (clause 43)—After 'fine' insert 'or division 4 imprisonment'.

No. 39 Page 16, line 22 (clause 43)—After 'fine' insert 'or division 5 imprisonment'.

No. 40 Page 16—After line 22 insert new clause as follows:

Offence of breach of agency conditions

No. 43a. An approved agent of the Board must not contravene or fail to comply with a condition on which he or she was appointed.

Penalty: Division 3 fine or division 5 imprisonment.

No. 41 Page 16, line 30 (clause 44)—After 'fine' insert 'or division 5 imprisonment'.

No. 42 Page 16, line 33 (clause 44)—After 'fine' insert 'or division 5 imprisonment'.

No. 43. Page 16, line 41 (clause 45)—After 'fine' insert 'or division 7 imprisonment'.

No. 44. Page 17, line 15 (clause 47)—After 'fine' insert 'or division 7 imprisonment'.

No. 45. Page 17, line 21 (clause 47)—After 'fine' insert 'or division 7 imprisonment'.

No. 46. Page 17, line 26 (clause 47)—After 'fine' insert 'or division 7 imprisonment'.

No. 47. Page 17, line 30 (clause 47)—After 'fine' insert 'or division 7 imprisonment'.

No. 48. Page 17, lines 31 to 33 (clause 47)—Leave out subclause (5) and insert subclause as follows:

(5) The following persons must not, except as is necessary for the purposes of the administration of this Act, operate a gaming machine on any licensed premises:

- (a) the Commissioner;
- (b) an inspector;
- (c) a member of the board.

No. 49. Page 17, line 34 (clause 47)—After 'fine' insert 'or division 7 imprisonment'.

No. 50. Page 18, line 4 (clause 48)—After 'fine' insert 'or division 5 imprisonment'.

No. 51. Page 18, After line 4 insert new clause as follows:

Prohibition of linked jackpots

48a. The holder of a gaming machine licence must not cause, suffer or permit any gaming machine of the licensed premises:

- (a) to be fitted with linked jackpot equipment;
- or
- (b) to be linked in any manner that allows the winnings, or part of the winnings, from the machine to accumulate with the winnings, or part of the winnings from any other gaming machine.

Penalty: Division 3 fine or division 5 imprisonment.

No. 52. Page 18, line 14 (clause 50)—Leave out '7' and insert '5'.

No. 53. Page 18, line 14 (clause 50)—After 'fine' insert 'or division 7 imprisonment'.

No. 54. Page 19, line 9 (clause 52)—Leave out '7' and insert '6'.

No. 55. Page 19, line 41 (clause 54)—Leave out '7' and insert '5'.

No. 56. Page 20, line 20 (clause 57)—After 'fine' insert 'or division 4 imprisonment'.

No. 57. Page 20, line 26 (clause 58)—After 'fine' insert 'or division 4 imprisonment'.

No. 58. Page 20, line 31 (clause 59)—After 'fine' insert 'or division 8 imprisonment'.

No. 59. Page 20, line 35 (clause 60)—After 'fine' insert 'or division 8 imprisonment'.

No. 60. Page 21, line 7 (clause 61)—After 'fine' insert 'or division 6 imprisonment'.

No. 61. Page 22, line 14 (clause 63)—After 'fine' insert 'or division 6 imprisonment'.

No. 62. Page 22, lines 21 to 27 (clause 64)—Leave out the clause.

No. 63. Page 26, (Clause 70)—After line 38 insert new subclause as follows:

'(2a) The board must, no later than 30 September in each year, submit to the Minister a report on the activities carried out by the board pursuant to the licences it holds under the Act during the financial year ending on the previous 30 June.'

No. 64. Page 27, line 18 (clause 72)—Leave out subclause (4).

No. 65. Page 27, line 21 (clause 73)—Leave out 'other person' and insert person other than the holder of the gaming machine supplier's licence.'

No. 66. Page 27, lines 22 and 23 (clause 73)—Leave out 'without the prior approval of the Commissioner'.

No. 67. Page 27, lines 28 to 34 (clause 73)—Leave out subclause (2) and insert subclause as follows:

(2) An agreement entered into by an approved agent of the Board for the sale or supply of an approved gaming machine, prescribed gaming machine component or gaming equipment to the holder of a gaming machine licence—

- (a) has no legal effect until it is approved by the Board;
- and
- (b) if any money is paid, possession is taken of any machine, component or equipment, or any other action is purported to be taken in execution of the terms of the agreement prior to the Board's approval being given, the parties to the agreement are each guilty of an offence.

Penalty: Division 5 fine.

No. 68. Page 27, line 35 (clause 73)—Leave out 'or an inspector' and insert ', an inspector or an approved agent or a member of the holder of the gaming machine supplier's licence'.

No. 69. Page 29, line 8 (clause 80)—Leave out subclause (1).

No. 70. Page 31 (schedule 1)—Leave out paragraphs (b) and (c).

No. 71. Page 31 (schedule 1)—Leave out from paragraph (l) 'a gaming machine technician's licence, or gaming machine dealer's licence' and insert 'the gaming machine service licence'.

No. 72. Page 32 (schedule 2)—After 'Minister' twice occurring in paragraph (b) insert 'or Commissioner'.

No. 73. Page 32 (schedule 2)—Leave out from paragraph (b) (i) 'and by any other licence held by the licensee under this Act'.

No. 74. Page 32 (schedule 2)—Leave out from paragraph (b) (ii) 'or those undertakings'.

No. 75. Page 32 (schedule 2)—Leave out from paragraph (c) 'or by any other licence held by the licensee under this Act'.

No. 76. Page 32 (schedule 2)—Leave out from paragraph (g) 'reasonable'.

No. 77. Page 33 (schedule 3)—Leave out the schedule.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be agreed to.

I have genuine pleasure in moving this motion. The debate has been a long but exceptionally good one. All members of both Houses have treated the issue in a fair way. I thought that the way the debate was conducted, given that it was a conscience vote and no Party lines were adhered to or attempted to be enforced, was a credit to the way that this Parliament, on occasions, can work. I will highlight only the principal amendments and principles behind those amendments that have been made by the Legislative Council and are before us. The changes to the Bill since it left this place include provisions under which linked jackpot systems are not allowed, the reason being that it was not thought appropriate at this stage that linked jackpots should be considered. Penalties for most offences under the Bill have been strengthened; in most cases penalties include imprisonment as an alternative to a fine. I do not think that any of us would quibble with increased penalties.

Amendments were also passed to clarify the role of the Police Commissioner in relation to the operation of gaming machines, in particular the powers of the Police Commissioner to appear in proceedings before the Liquor Licensing Commissioner on any application and to use counsel if necessary. The House of Assembly always thought, I believe correctly, that that was implicit. However, the other place chose to make it explicit, and I see no reason to quibble with that.

One important amendment provided that the number of gaming machines that can be authorised under a gaming machine licence has been reduced from 100 to 40 so, effectively, that has reduced any possibility of so-called 'pokie palaces', about which some members of this place and, clearly, a majority of members of the other place were concerned. I believe that, given that it is an industry in its infancy, it will manage quite well for quite a while with 40 machines. If it feels it needs any more, it is always open to any member of Parliament to test the view of Parliament on that. The holder of the gaming machine monitor licence cannot now hold any other licence under the Bill and, again, the other place saw that as an additional safeguard, and I have no quarrel with that concept. Something else that was always implicit was made explicit, and I refer to this fingerprinting and photographing of applicants for licences; approvals for that have now been incorporated in the Bill although, as I have said, this House thought that that was implicit, anyway, and it has been done under similar legislation relating to the Casino.

Perhaps the most significant principle that gave rise to a series of amendments in the other place related to a supplier's licence. The amendments retain the principle that individual licensees have the freedom of choice with respect to the type and make of machines. The amendments address the Commissioner of Police, and some members are con-

cerned that the Government should impose an intermediary between licence holders and manufacturers. The State Supply Board will perform this role by holding the only gaming machine supplier's licence. This is a very significant departure from the Bill that left this place, which allowed licensees to deal directly with any number of approved suppliers. The series of amendments allow for the State Supply Board to appoint approved agents to deal directly with licensees and manufacturers. However, all contracts must be approved by the State Supply Board. Amendments provide for only one service licence instead of a multiplicity of technician's licences, and this licence will also be held by the State Supply Board.

All the amendments before us assist in providing greater Government control and assist in compliance through increasing the penalties, and I believe all of them are in a direction in which everybody in this House would prefer the Bill to go. If any changes at all were to be made to the legislation that this House approved, we would all want those changes to be in the form of greater Government control, and I believe that the schedule of amendments that is before us certainly assists in achieving that end. For those reasons, I urge the Committee to support the amendments.

Mr S.J. BAKER: I believe that the events of this past week reflect very poorly on the operations of this Parliament, on the Government and on the Premier of this State. I see a set of amendments that have been forged: if it had been simply by compromise, this House would have been satisfied that the due processes had been followed, but I believe they have not. I believe that undue pressure has been brought to bear on at least one member of another place, that the processes of this Parliament have been depreciated as a result and that we will rue this day. I remember the words of the Hon. Bernice Pfitzner from another place, who asked whether the price is worth it if one sells one's soul.

Mr FERGUSON: On a point of order, I believe that the Deputy Leader is referring to debate in another place, which is not in accordance with Standing Orders.

Members interjecting:

The CHAIRMAN: Order! The Deputy Leader would be aware that that is not an appropriate process in this House. I assume the Deputy Leader is not quoting debates in another place.

Mr S.J. BAKER: In thinking about the processes and understanding what has happened in this place, I point out that it was up to every single person to exercise conscience; it was up to every single person to vote in the way in which they saw fit, according to their beliefs; and it was very clear from the time the Bill entered this Parliament how most people felt. The dividing lines were clearly laid down, and there was always the possibility that the Bill would fail in another place, yet it did not.

As every member of the House would realise, I did not support the third reading of the Bill for the reasons that I stated at the time. I do not believe that there is anything in the amendments which would assist my further deliberations and change my mind and, reflecting on the treatment handed down in another place, it would affirm my belief about the ultimate outcome of this Bill which, from my point of view, should be a negative.

We have before us a very large schedule of amendments. Members of another place were given very little time to scrutinise and digest them and, indeed, to find fault with them. It was obviously a tactic of the Government to push this legislation through another place by exhaustion, to ensure that we had the debacle we have had here this week and now, this morning. The Government's mad desire to get

more revenue for itself at any price is where I draw the line, and I know that every person, at least on this side of the House, draws the line at the way in which this debate has been conducted, particularly in another place, where we were left with hastily cobbled together amendments—amendments which really have not seen the light of day and which have not been able to be thoroughly examined. The Government used the tactic in the dying hours of the sitting to push through the amendments in order to reach that compromise which they thought was necessary for the Bill to succeed.

I find that the Government is without moral fibre. In fact, I believe that there were mountains of time available for the Government to go to the members concerned and, in the proper spirit of negotiation, to see if there was some point of agreement. That would have been quite appropriate for this Parliament. But that was not the situation. We had a last minute change of heart forced upon one particular member by the bullying tactics of those on the other side. It does not sit well with this Parliament. We have had a Casino Bill which went through a very exhausting ballot, approval being given to it by the Parliament, with all consciences freely exercised. The same cannot be said, however, about this measure. The Government will stop at nothing, given its performance in the economic field—and we have seen the unemployment figures and the State Bank results—to somehow make up the revenue shortfall, even if it means selling off or shedding many of its beliefs in the process.

I believe that the passage of this legislation has been a disgrace to this Parliament. I understand that it will still be considered on its content and may find favour with a number of members of this House, but let this never happen again; let us never have to extend the Parliament as long as we have, treat our staff inhumanely, as the Government has done, having no concern at all for anybody but itself. I disapprove of the legislation in its final form, or in the form in which we see it if we include these amendments.

I have considerable reservations about the intervention of the State Supply Board at the last minute. As we would all recognise, the State Supply Board has no expertise in this area; it cannot even work its own computer system properly. Yet, suddenly, we have seen the State Supply Board provision inserted to somehow provide an excuse for a change of mind which was forced on an honourable member of another place.

It is 5.50 a.m. It is inappropriate that legislation should be passed at this hour. We have new Standing Orders. We did have new sets of agreements, but they have been shattered by the events of the past two days. Be this on the Government's head, because it certainly will be. I believe that what has happened here this morning and the pressure that has been applied will rebound. I know that a number of members on the opposite side of this Chamber have some severe reservations about recent events: quite clearly they have. It will rebound and cause further fractures in a Party that is in disarray and in a Government that is simply unable to perform. As a matter of conscience, I oppose the amendments.

Mr MATTHEW: I rise at 5.50 a.m. to express my disgust at the process that has been followed in relation to this Bill. The corridor antics that relate particularly to the amendment now before us are a disgrace to the democratic process of this Parliament. They amount to an abuse of the Westminster system of Government that is known to those countries that enjoy the democratic process that is normally afforded by the system.

A conscience vote is a conscience vote, and should always be so. There is no doubt that while members deliberate on

a matter of conscience, or indeed on any other piece of legislation that is before this Parliament, influence in some way, shape or form will be brought to bear. Certainly, backroom discussions are part of the parliamentary process—they always have been and always will be. On occasions, influence will be brought to bear, and on occasions it may be said that excessive influence could be brought to bear. Tonight what occurred within the corridors of this Parliament was excessive influence, and excess of a most disgraceful kind.

Some would call what happened in relation to these amendments kneecapping and others might call it bullying or bovver boy tactics. But, whatever one calls it, the process that revolved around these amendments was a disgrace. We saw the sittings of another place suspended for 5½ hours so that the Premier, the Minister of Finance and the Attorney-General could interrogate and subject an honourable member to a process that would cause him to break away from the principles that he has espoused so strongly in this place and back down on a matter of principle by which he believed he should stand.

The CHAIRMAN: Order! The honourable member will have to speak to the substance of the amendments before the Chair and not make reference to the process by which those amendments passed the other place. The member for Bright.

Mr MATTHEW: Thank you for your guidance, Mr Chairman. At the end of the day we have amendments before us that relate to the goings on in the corridors of power. Sir, the corridors of power always have an influence on amendments that are before us, and that power has been abused. Nevertheless, this House has risen now for almost 12 hours awaiting the opportunity to debate this Bill. Looking at the past voting trend, I note that it is quite likely that these amendments and this Bill may well pass. I also note that, if the Bill passes, a number of the amendments that have been put before us tonight are worthy amendments.

For example, I applaud the insistence that linked jackpots should not be allowed. There is no doubt that, if there is any opportunity for corruption to occur, linked jackpots are one such area of weakness that have the potential to be exploited and experience overseas shows that such systems have been exploited in the past.

I also note that the maximum number of machines has been reduced to 40. Members would be aware that I have publicly expressed concern about the potential for poker machine palaces to be established, and I am pleased that at least we will see a situation where that will not occur. However, I note with disgust the amendment that includes the involvement of the State Supply Board. That board is part of a body established to supply Government—not the private sector—with equipment, and now we see a new role for the board being brought upon us through the process of this Bill where the board will interact with the private sector and supply it. I find that situation ludicrous.

It is fair to say that the logic of this Bill through the amendments that are before us is somewhat confused. On the one hand, we are told that greater controls have been put in place through the introduction of the board to act as a purchasing agent for the machines and also the holder of a single service licence, yet on the other hand we have an independent body undertaking the monitoring and control of the machines. It is fair to say that during the course of the debate the greatest concerns were expressed about the monitoring and control of machines.

So, if members felt it necessary for Government control to be exerted, it is somewhat puzzling that the amendments

before us look at that control through the purchasing of the machines and through the servicing of the machines, yet they do not address the monitoring and control of the machines—the areas shown increasingly in these times of high technology to be vulnerable to the exploits of organised crime.

I believe that the Bill and the amendments particularly exemplify a Government out of control. We stand here at this hour on Friday 8 May debating a Bill one month after the original scheduled final sitting day of this Parliament, which was to be 8 April. At that stage we would have been sitting for only 17 days, and I am the first to admit the Opposition insistence that our sitting time be longer. However, as all members are aware, the sitting time has continued day after day, week after week, until we have these amendments before us now, and they reflect a Government that is completely out of control. One month later at almost 6 a.m. we are addressing the Bill.

The Bill symbolises the state of decay of the Government process and its lack of control over the State in general. It is nothing more than a money grab in order to allow the Government to grab a \$55 million bonus to help boost its ailing coffers. The thing that I find most repugnant of all is that the Bill in general is one that the Premier claimed he would never allow to pass this Parliament. The Premier sits there now smiling and gloating because he knows that this Bill will go through, yet he has said publicly that he would never allow such a Bill to pass.

The Premier looks mystified and puzzled, even shocked, but he knows that he has said on the public record that he would never allow such a Bill to pass. The Premier claimed that he would never allow poker machines in South Australia. If that is not an act of hypocrisy, what is? If it takes a mere money grab to get the Premier to change his mind, to back down and about face, what a sad state of affairs we have before us. Is it any wonder that the people of South Australia are looking forward to an election so that we can eradicate this shameful and shameless Government from the face of this State, because it is about time that the people had their say? The people do not appreciate hypocrisy; they appreciate honesty and consistency.

I note that members of the Opposition have been consistent in their approach, be they in favour or against the Bill. The Opposition has treated this Bill, and will be treating these amendments, as a true conscience vote and not a knee-capping exercise in order to bully members into a particular frame of mind so that the Government's money-grabbing exercise can be achieved. As with the Bill, I express in the strongest terms my opposition to the amendments before us.

Mr GUNN: I move:

That progress be reported.

The Committee divided on the motion:

Ayes (12)—Messrs Armitage, D.S. Baker, S.J. Baker and Blacker, Ms Cashmore, Messrs S.G. Evans and Gunn (teller), Mrs Kotz, Messrs Lewis, Matthew, Oswald and Wotton.

Noes (18)—Messrs Allison, Bannon, Blevins (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Messrs Ingerson, Klunder, Peterson, Quirke and Trainer.

Pairs—Ayes—Messrs P.B. Arnold, Becker, Eastick, Meier, Such and Venning. Noes—Messrs L.M.F. Arnold and Crafter, Ms Lenehan, Messrs Mayes, McKee and Rann.

Majority of 6 for the Noes.

Motion thus negatived.

Mr BLACKER: I take great exception to what has been happening tonight and this morning; it is a sad reflection on this Parliament and the proceedings of Parliament. How does what has happened in the past few hours relate to the theory behind the Statutes Amendment and Repeal (Public Offences) Bill that was passed only a few days ago? The application of pressure by or on a public officer was set down in legislation as an offence. I know that parliamentary privilege was excluded from that, but we have talked about and offended against that very principle within a few days of that legislation passing in this House. What has happened has given a new meaning to the conscience vote. There is now no such thing; it is obvious that that is the case. I do not believe that the Bill should pass. I expressed that view previously.

I note that we have been given 77 amendments to consider on this occasion. I do not think that any one of us could say that we understood exactly what it was all about. It is grossly unfair. I put on the record that this House is treading very dangerously on its own principles when it allows these sorts of things to occur. I oppose the position.

Mr LEWIS: Several aspects of the proposals before the Chamber are untenable and unacceptable not only because of the process by which they were arrived at but, more particularly, because of the things they omit. In the first instance, the member for Flinders is accurate in the concern that he raises not only about the abuse of a citizen's rights by the way in which we arrive here with this range of amendments but also about the extent of that range. I have heard the members for Napier, Henley Beach, Albert Park, Mitchell and Playford all complain that they cannot possibly be expected to determine their position on legislation in private members' time, whether legislation or motions, because insufficient time is given to consider the material contained as reasons for the legislation or the motion. They say that they want more time to debate it, to consult and to understand it. In many instances, they are motions of a few words or short Bills of no more than three or four clauses, yet members of the Government say that they cannot understand the implications and ramifications of such legislation and that they need time to analyse it and consult.

If that is true in the context of private members' business, it is equally relevant in the context of these more complex amendments that were put on the desk before us not even 30 minutes ago. The Minister gave no detailed explanation of the effect of each of the amendments on the measure as it left this Chamber. He simply believes that it is okay to use the numbers.

He now has what he wants in the way of a piece of legislation and he believes that it should be legitimate for us to accept that what he wants is what we will give as a House. It is not Government in Opposition—at least, it was not, when the measure was first introduced but it is now coming to that—but by the acknowledgement of both the Minister and the Premier this measure is a conscience matter, but no conscience will be exercised on it at all. The Government wants the money; the Government wants the legislation. It is not only that it wants the money: it also wants to get its crooked Minister off the hook. That is what disturbs me. The hidden and unknown—

The Hon. FRANK BLEVINS: On a point of order, Mr Chairman. I do not have a particularly thin skin but I did hear the member for Murray-Mallee mention the word 'crooked'.

The CHAIRMAN: The Chair was about to ask the member for Murray-Mallee to withdraw the word 'crooked' when the Minister stood up. I assume that he was proposing a

point of order on the same question. The Chair requires that the word that the member for Murray-Mallee used to describe the Minister be withdrawn.

Mr LEWIS: Yes, I withdraw the word 'crooked', and I will say quite forthrightly that the Minister is incapable of being straight on that matter in every respect. I do not know the exact extent of the interests and benefits that will accrue to people who are not named in this legislation but who nonetheless will clearly be beneficiaries as a consequence of its passing.

There is no question about the fact that the Labor Party expects to get more than a *quid pro quo* from commercial interests to help it during the next election campaign. The kinds of discussions that we saw going on around this Chamber and in the corridors of this place in the past 24 hours clearly indicate that the Government is on a winner there as far as campaign funds are concerned, and I know it causes embarrassment. The red faces and mirth of members opposite trying to hide their embarrassment make it quite obvious to me and to all other members observing the spectacle that they are a desperate Government, without support in the community at large, nonetheless willing to sell itself to the vested interests unnamed in this legislation who will pay thousands upon thousands of dollars, either directly or indirectly, to help it re-establish the credibility its members have destroyed by their own incompetence during the course of the past 2½ years of office. Won't that be great for South Australia?

I would also like to believe that the Government would honour some of the promises it gave and that, in particular, this Premier, as Leader of the Government, would do that. At the outset of this debate it was drawn to the attention of the Government that it had not yet undertaken the wide-ranging inquiry into gambling and its social and economic consequences for individuals and families which was promised 10 years ago, and that promise has often been repeated. We still have no commitment to keep that promise, and there is no provision in this legislation to apply any of the funds to that purpose. Yet, surely if any of us really care about the hapless few, who are, by temperament, predisposed to be compulsive gamblers, and more particularly their dependants (their spouse and children), then we ought to be looking into it; we ought to be trying to understand it. Every time we bring legislation in here that is relevant to gaming the Government has the opportunity to address that.

It has not. It continues to expand the number of forms of gambling which are available in the South Australian community at large, without any regard for the consequences for the people who gamble and, more particularly, those who will suffer as a consequence of a member or members of their immediate family gambling compulsively.

I have heard members opposite, including the member for Albert Park, who now chooses to leave the Chamber, complain and weep crocodile tears about starving children going to school unfed and inadequately clothed, homeless street kids, and the like, all of whom are a social dilemma for us and the numbers of whom will be swelled by the passage of this legislation. That is the relevant point. No member in this Chamber or in this Parliament can deny the truth of that statement.

Why is it that we should rush into seven pages of legislation, none of it analysed for our benefit, with no opportunity to discuss it with experts or with the people who drafted the amendments, in consultation with members from the other place? I do not know what much of it means, and that disturbs me. However, I do know, on my quick and cursory glance, that for country people it means that

there is no provision for a return of the proceeds of taxation to the communities from which the revenue came. That was a concern I raised in the second reading debate. The Government does not give a damn about where the money needs to be applied. It will apply it where it suits its political agenda, where it will get greatest benefit in the ballot box later on. It is to be assumed that, if members on the Government benches have anything like a conscience, they will agree that the money should go back to the communities whence it comes. If they agree, they are acknowledging that there is still a great flaw in this legislation in that there is no guarantee that the money will go back to the communities whence it comes.

There is no means either by which it will be possible for Parliament to monitor whether the cost of each of these items, whatever kind of gaming devices or poker machines they are, is engineered or set to deliberately prevent their fair and even distribution throughout the clubs and pubs in smaller country communities who want them. There is no requirement on any supplier of these machines, through the now very convoluted channels by which they will ultimately find their way installed in premises for use by those members of the general public who want to use them, to ensure a fair price.

I know that the member for Mitchell and the member for Playford do not care. They are happy to see the legislation go through and live with their ignorance of it and leave the Chamber. The number of members on the Government benches has dropped to only four.

An honourable member interjecting:

Mr LEWIS: I am talking about members of the Government, not Independent members of this Chamber. Their appalling indifference to the consequences of the legislation strikes me as a clear indication of their willingness to participate in what I regard as an unprincipled exercise in political expediency. That is the politest way that I can put it.

Mr Chairman, if I were to describe it in terms which both my head and my heart would have me describe it, you would have me thrown out of here before I could finish what I had to say.

When I left off at the time that the Government members decided that they would walk out in an attempt to silence me, I was saying that the country clubs and pubs—indeed, any small club and pub—could be charged a fee quite different from any other charged to clubs and pubs for the same machine, thereby manipulating the market to suit the ultimate supplier as to who will get the machines and how many they will get. There is no requirement whatever in the legislation for the ultimate supplier to install those machines on demand anywhere or to leave them there. We do not know how the price will be determined. The legislation is silent on that matter.

I do not think that is fair or reasonable. It simply means that dollars being gambled through these gaming machines, which would otherwise have stayed in smaller country communities to support their sporting bodies, will now be spent in communities farther afield where the gaming devices will be installed. That will mean that the sporting bodies and other amenities—

The CHAIRMAN: The honourable member's time has expired. Of course, he has two other opportunities to speak in the debate if no other member now wishes to speak. I would ask members in the public gallery to resume their seats.

Mr GUNN: We have reached a fine parliamentary conclusion to this part of the year's sitting. The Government's answer to the economic woes of this community is to dip

its hands deep into the pockets of the long-suffering public. The people who can least afford to pay will again be subjected to Government involvement in collecting money so that it can be mismanaged, and those associated with this provision will have a heavy burden upon their consciences.

We have seen real activity in the corridors of this Parliament today. Some of the moves would make Gerry Adams and the provisional IRA look like amateurs compared to what has gone on here. I believe in full, open, free and frank debate, and I believe that people are entitled to their views, but the Parliament is entitled to have adequate time to consider measures put before it. We have before us seven pages of amendments. Very few people in the community have any understanding of what these amendments mean. They have no opportunity to enter into consultation with their elected representatives or to make their views known to them. We have sat here for three days participating in a nonsensical, time-wasting escapade, which reflects upon the whole parliamentary procedure.

After this exhaustive debate, and considering these most fundamental changes to the legislation, I want to know why we could not have come back next week and made a mature judgment. I realise that the Government does not want to face another Question Time, because its own economic conduct has been such that, fortunately, it is about to face the wrath of the public. But I put to you, Mr Chairman, and the Committee: what long-term benefits are there in this for the people of South Australia? It may be all right for a few people with egos who run clubs and who want to build bigger and better clubs so that they can lavishly entertain and receive patronage from the few, but there is nothing in it for my long-suffering constituents, and there is nothing in it for the people who have been so socially disadvantaged by this economic recession. There is no long-term benefit for the people of this State.

These machines are misery. They will extract money from people who unfortunately do not have the character to say, 'No'. That money will then be channelled into the pockets of private proprietors, the Government and the clubs system. In my judgment it will not create any long-term benefits. My concern is that we have seen the Government's clear and precise undertakings torn up and thrown out the window. We have been told in recent days of people like 'Wobbly Bob', who have made \$200 000 and been given a Mercedes. How many more 'Wobbly Bobs' will there be as a result of this legislation? Whose palms will be greased? We already have Vin Kean's blue Rolls Royce across the road. That is a scandal in itself. How many more cars will be flicked around as a result of this sort of legislation?

It is about time the public knew what was going on, and it is entitled to honesty and consistency from Government. The Premier has not been consistent. He has proved that his word cannot be relied upon. There has been no inquiry into the gambling industry and the undertaking that there would never be poker machines in this State has been torn up because the Government thinks that there is nothing in it politically. I believe that we will see outrage in this community from those groups concerned about what has taken place here tonight and over the past week.

This will not affect me and it will not affect mature, well-off people, but it will have an effect upon those people who cannot resist the temptation. There is nothing in this legislation that will create long-term employment. What about doing something about all the other problems? The Government did not have the courage to solve a number of problems sought to be dealt with; it let them slip off the Notice Paper. The Government keeps us here in the Parlia-

ment all hours of the day and night and then suddenly rushes through seven pages of amendments.

I realise that people have taken fixed positions on this matter, which I do not think has made for a particularly enlightening debate. However, I am very concerned that we are now taking a decision—still in the dark—that it is convenient to keep the community in the dark. That is a disgrace. This legislation will reflect upon all of those people who support it, who have promoted it and who will benefit from it, because at the end of the day there will be a great deal of heartbreak and misery. I do not think it is a very proud day for the South Australian Parliament. I personally believe that this is a retrograde step. There are no long-term benefits, but there are long-term disadvantages to the community. I therefore oppose the measure and believe that we should not further consider it.

The Hon. JENNIFER CASHMORE: The events of the past night fill me with absolute disgust. I have found as I have witnessed the events in another place and around this Parliament that people for whom I had at least residual respect have lost the last vestiges of my respect. I think the House has been treated with absolute contempt. I am appalled at what has been inflicted on the staff of the House, and I am appalled that the members of the House of Assembly have been kept waiting doing absolutely nothing from 9.30 last night until 5.30 this morning. We need not have been here; there was no reason why we should be here. It has been a complete waste of human resources and it has been a disgrace to the Parliament that we have simply been waiting at the convenience of the Government, which is prepared to use any and all measures to get its will in regard to gambling legislation.

It is almost 10 years—in fact, it may even be more than 10 years—since the Premier gave an undertaking, through the member for Hartley, to this House that there would be an inquiry into the social effects of gambling on South Australians. That undertaking has never been fulfilled and now we face yet another gambling venture in order to fill the Government's pockets.

Last night the staff and board members of the State Supply Board went to bed believing that the purpose of the board was to supply goods on behalf of the State to the State. Those people will wake up this morning, if they are not yet awake, to find that they are purveyors of poker machines to the private sector. I have never heard of anything so farcical and bizarre as the way in which this Government is treating one of its own boards and departments. It is totally shocking that public servants should have been treated in this despicable fashion, that their function should have been so perverted literally in the dead of night by a Government that will stop at nothing to get its own way. That is one aspect of this legislation which I find absolutely unconscionable and which I cannot support.

It was a ruse, a device, in order to attempt to save the honour of an honourable member who would otherwise not have contemplated supporting this legislation in its present form. That that should have happened on the very day that unprecedented levels of unemployment were announced in this State—the day that we discovered that 12 per cent of South Australians do not have a job and that nearly half of the young people who want a job cannot get one—is an indictment of this Government. It shows that the Government has lost all sense of priority and responsibility. It no longer even pretends to address the real issues; it is simply willing to be diverted, for the sake of a dollar, to do anything whatsoever and to stoop to any depth to get it.

All I can say is that this Government is rotten to the core, it deserves to crash and it will crash soon—and the

crash will be resounding. The only problem for South Australians is that when it crashes there will be rubble and ruin and a lot of people will be brought down low with this Government who should never have been brought down low. One of the things that will have assisted that crash will be the Government's total greed and its absolute addiction to taxation of any kind in order to pay for the gross errors of the past 10 years. I oppose the legislation.

Dr ARMITAGE: I want very briefly to address what I think is a very sad state of affairs, whilst indicating that I intend to support these amendments. The sad state of affairs is the contempt with which the parliamentary process has been treated by the Government in the past three hours of what has been a long, long night. We are all practitioners of the political process and we understand those political gains, but unfortunately contempt of the parliamentary process and for Parliament is contempt for the people of South Australia. I think it is reprehensible that, with such an important matter, the Government would bring in 77 amendments on seven pages roughly half an hour ago and expect us to give due consideration to what are quite major changes to the original intent of the Bill.

This is particularly so, there having been no opportunity for input from the community. I believe that the community view of this legislation is that it was important enough for more community input into the proposals as suggested in these amendments, because it is such a radical change from anything that was contemplated a mere three hours of debate ago. Addressing the amendments themselves, as I understand them, they are an attempt to put an independent body between the purchasers and the manufacturers of the machines, which I think is appropriate. However, I should like the Minister to clarify for us the process of State Supply being the body between. Will he please inform the House as to when the CEO and staff of State Supply were actually informed of their sudden increased responsibility?

I indicated previously that I will support these amendments because, as a Liberal, I believe that we ought to allow such gambling opportunities. With the other gambling opportunities available, the total quantum of gambling is not increased by a great percentage, but I believe that we ought to allow adults to make the decision whether they wish to use these machines, but we must also admit that there will be people who will be unable to control themselves. I believe it will be a small percentage. I have visited the video gaming machines at the Casino and had no trouble finding a game to play. It was quite easy. People could have flocked there if they were going to become addicted, so I do not believe that the percentage will be very large. However, as we have given the opportunities to adults to use these machines, as legislators, it is our responsibility to have a safety net to pick up those who may well become affected.

As the member for Coles said during her contribution, it would have been appropriate to have a study, which the Premier has promised, into the effects of and ways of alleviating problems associated with the various forms of gambling. I would hope that, because of the large amount of money these gaming machines are purported to give to the exchequer, some of that money will be spent on that inquiry and tied to support services for people who will need them when these machines become available.

Mr INGERSON: As I stated in this House when the Bill first went through, I intend to support the introduction of gaming machines into hotels and clubs but, like all members on this side, one thing that concerns me does not relate to the content of the Bill but specifically relates to the way this House has been run and, in particular, to the way in which the members of this House have been treated in the

handling of this legislation. I find it quite incredible that we have now been in this place for nearly 20 hours and that there was no intent by the Government to make sure that the legislation was back in this place to be handled in a reasonable and sensible way. In this occupation, we all recognise that at a minute's notice we might have to reorganise our programs. Members on this side and the Government side from 11 o'clock yesterday could have reorganised their programs in order to sit today. It is about time that this Government recognised that sensible debate on important social legislation such as this needs to be treated in a way that we would expect to run a business as huge as the business here in South Australia.

I find it incredible that we cannot manage and organise ourselves just that little bit better. The comment made by both the members for Adelaide and Coles about an investigation into gambling is an important issue. Before I entered Parliament in 1983 it had passed the Casino Bill, and during that debate there was specific reference to the need for an investigation into the overall impact of gambling and its effects on the community in our State.

At that time the Premier agreed that this area should be investigated, and I believe that the Premier not only agreed to it from a political point of view but also from a personal point of view. Unfortunately, as members on this side have said, we have become used to the fact that some of the promises made by the Premier are never followed through and I ask the Minister to put it to the Premier and Cabinet that a committee be established to look at this single issue.

If members have listened to and read the debate not only in this place but in another place they will be aware that from almost every member there was specific concern about those people who will become addicted or go wrong in their use of these machines. It is beholden on any Government to ensure that it understands the down side to any legislation it introduces. Therefore, I ask the Minister at least to discuss this matter with the Premier and Cabinet and implement the promise that is now more than 10 years old.

So far as I am concerned the Bill has been improved as a result of debate in another place. Significant amendments have been highlighted by the Minister, but I do not intend to go through them in detail. It is an improved Bill and the general process of conscience deliberation has resulted in important amendments, and amendments from members in another place who are violently opposed to this legislation. However, they are important amendments because they have improved the Bill.

Finally, it is an amazing decision that the Government has provided for the use of State Supply and the State Supply Board in particular to jump in as another level of management within the scheme. Others have commented on how that has occurred and it seems to me to be pretty much part of the political process. It may not necessarily be part of the process that any of us like to see in the public arena, but the reality was that, if there was to be a Bill that was acceptable to individual members in another place, certain things had to happen.

My area of concern about the amendments is that all that will really happen is that the board will pick up information about a group wanting to buy machines. In essence, it will not pay out any money and will simply usher the machines through a system to an agent approved by the Liquor Licensing Commissioner and the Police Commissioner.

It seems to me that a cost will be involved in that process. The Minister needs to clearly explain to the Committee how he sees that very important administration taking place. If there is not an invoice in and out and if there is no checking of how the machine gets from the manufacturer to the place

in which it will be finally installed, there is an immediate hiccup in the scheme. I know it is short notice but, if possible, can the Minister explain how the board will monitor the movement, control and whereabouts of the machines? I support the Bill with these amendments.

Mr OSWALD: In about two hours I will be telephoned by two constituencies for whom I am Opposition spokesman. The first is involved in the non-Government welfare sector and the other is in the racing industry. I will deal with the racing industry first, because that industry would expect me to put a point of view now, and this is the last opportunity that I will have. The racing industry is expecting at least \$50 million to be creamed off the top of the TAB turnover out of this exercise which, at the end of the day, equates to a loss of some \$5 million in the three racing codes—and that is just a conservative estimate.

I would expect that, when Government Ministers and members and anyone who supports this legislation attend the Adelaide Cup racing carnival and accept the hospitality of the industry, they will have an answer to the obvious question as to what will happen to the racing industry if we take \$5 million out of the stake money and the running expenses of the industry. This measure will have an extraordinarily large impact, and those members who choose to accept the hospitality of the industry should have their answers ready. When other forms of this type of gambling have been introduced, a notable drop off has occurred, and we will see it again. Last week, we put through amendments to amalgamate the Victorian and South Australian pools to create an increase in income and revenue. This will wipe that out straight away, so we are right back where we started.

The other matter is the furore that will be created in the non-Government welfare sector. We have moved from recession into marginal depression in this State. The non-Government welfare sector is strapped to the absolute extreme. The Government is not providing the funds now to meet the demands on that sector and, after this legislation is in place, the demands will increase. It will be gross incompetence if the Government does not radically prune other programs and shift money across into the non-Government welfare sector to help it in this matter.

An honourable member: Take it out of the profits.

Mr OSWALD: One member says, 'Take it out of the profits,' but that is not realistic. At the end of the day, it is the non-Government welfare sector that provides relief. That sector will not get it through this Government. There is really no provision in the legislation that can give them any assurance. At 9 o'clock this morning I expect the phones to run hot with protests; they are justified in protesting.

Mr LEWIS: In the course of my remarks earlier, I drew attention to the concerns which I had and still have about the fairness with which it might be possible for anybody who wished to install a gaming device or a gaming machine to get it installed. During the course of my remarks, I did not have time to draw the attention of members to page 22 of the Bill. If members look at page 22 they will see clause 64, which is now deleted under the amendments from the other place. That clause provides:

(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.

That has now gone. In my judgment, that did not go far enough, but I understand it was included at the insistence originally of the member for Hartley. Given that it has gone, and it has probably been removed in the belief that

now State Supply is involved—a matter about which I share the same concerns as expressed by the member for Coles—it is no longer necessary, but that is drivel. Indeed, it is necessary. It is more than ever necessary to ensure that there is fairness. What will happen unless we insist on fairness is that there will be the temptation to arrange the price of the gaming machine, its installation and servicing, at such a level as will exclude the likelihood of small country towns and their community and sporting clubs from being able to afford to install one or more poker machines. They will simply be prevented from doing so, and that would not be fair. The risk of that happening is there. I am not saying that it will happen.

I am just saying that we sought to exclude the possibility of corruption. As the Bill stands, with the amendments from the other place, it opens up the prospect of establishing a cartel of premises where these machines would be installed to the exclusion of everywhere else. No appeal is left. So, I am saying to the Committee that we need to reinsert a provision which compels the supply of a machine to anyone who wishes to buy it and at the price that any other applicant can get it. Whether it is a machine, a component of a machine or any other aspect of the machine being put there and being capable of operation, it must be done at the same price so that it does not unfairly discriminate against one purchaser compared with other holders of gaming machine licences who have purchased them. If we do not do that, we are simply being daft.

I do not know whether there are other clauses in this bunch of seven pages where a similar door has been opened which would allow at some future time, in the event that this legislation passes, corruption to enter. I have not had time to look at it and analyse it. I take some pride in doing that on a fair amount of legislation, the bulk of which I consider is of vital importance to the social and economic structure of the State or to the constituency that I represent and the way in which those people's vocations are affected. For instance, I did it with the State Bank legislation when that was before the Parliament. If my concern about the State Bank's charter had been heeded at the time instead of being scoffed at and ignored, the mess we find ourselves in with the State Bank would not have arisen.

I say in all sincerity and honesty to this Committee that we ought to reinstate that provision. Accordingly, I will move to have it reinstated in a form which will ensure that, regardless of their size or location, any licensed premises can, if it wishes, subsequent to this legislation passing, apply for and obtain one or more gaming machines at a price and on terms or a commitment that is fair.

Mr QUIRKE: This is a curious amendment. A number of things can be said about it, but at this hour those comments need to be brief. Basically, this amendment says that we ought to have a level playing field and that every machine that is put through the mechanism of State Supply should be at an identical price. That is a nice principle, but a couple of things should be said about it. First, I find it amazing that members come here and tell us that they do not want the Bill and that the Government is a disgrace for bringing it in. They give us a lecture—and one can only presume they will be sending relevant bits of *Hansard* to their parishes later today—but further on say, 'If we are to have them, we want to make sure that some of our constituencies do not get hurt because they really do want them.' It is two bob each way.

In essence, this measure will create a bureaucratic nightmare. How can we guarantee that the price will be exactly the same when all sorts of machines differ in different contexts? The orders for some of the machines will require

different things. Are they all going to be identical machines? Of course not. It is nonsense. What will happen if a machine is supplied at \$X and another machine is purchased further down the track and, as a result of greater productivity within the industry, that machine can be supplied at a cheaper price? Does that mean that a refund has to be given to the original purchaser or that that benefit cannot be passed on to the very same communities that members purport to represent? It is nonsense. This amendment ties another set of hands and makes the Bill unworkable.

In my view, this hastily constructed amendment—we can see how hastily it has been put together—ought to be treated with the contempt that it deserves by this Committee. To listen to the lecture that we got about hasty amendments and then to get the likes of this amendment put before us is a disgrace. It shows what is happening within the Opposition.

Mr MATTHEW: The member for Playford talked about disgrace. What is a disgrace is that most members of this Parliament have been working solidly for more than 23 hours to push this Bill through. What is a disgrace is that this Government is so disorganised that it cannot conduct the affairs of this Parliament in a proper and efficient manner in order that a Bill of this importance can be debated within a reasonable time frame and reasonable waking hours of the day in order that amendments can be considered properly. What is a disgrace is the bover boy bullying and knee-capping tactics which have occurred in the corridors of this Parliament—tactics which fly in the face of democracy as most people in this State would know it. That is a disgrace.

It is true that this amendment has been hastily drafted, but I would suggest no more or less hastily drafted than the amendments that we have been expected to consider at this hour of the morning after absolutely no sleep and, as I said, working for more than 23 hours. If the member for Playford is suggesting that we should not consider hastily drafted amendments, then we should not have considered any of the amendments which have been put before this Parliament whilst waiting for this Bill tonight. The disgrace is the suggestion that has come from the Government side of the House. The whole motive surrounding the Government's moving of these amendments tonight has been a hasty grab for money—\$55 million—to help it to get out of its economic woes.

That is what it is about, and they have done it by keeping this Parliament going for this length of time. The member for Albert Park may well laugh, but the Government has done it so that we will run dry and so that it can push through the Bill and it will not be properly considered. The member for Murray-Mallee is to be commended for trying to do something to straighten out the Bill. Members on this side of the House and others have stood up in this Parliament and said that they oppose the Bill. I too oppose the Bill but, in recognition of the fact that it may get through, in order to represent our State and our constituents, we must try to make the Bill as good as we can. It is appropriate that, even though we have been working these hours, even though we have been going through the night, we try to do what we can. I reject the ridiculous insinuations and allegations of the member for Playford. It is important that this Bill be looked at and that members open their eyes wider and understand what it means. They should at least try to assist a level playing field by supporting this amendment moved by the member for Murray-Mallee.

The Hon. FRANK BLEVINS: I oppose the amendment. I do not think that I have ever seen an amendment in this place so anti-business and anti-free enterprise. If the amend-

ment were carried, it would prevent bulk purchases by individual hotels or clubs. Certainly it would remove competition and mean that people could not shop around on the basis of price. I always assumed that that was one of the basics of the economic system under which we live. I would imagine that agents, various clubs, hotels, groups and bodies in the community—maybe even the UF&S—will organise themselves to be agents working under this legislation and, quite properly, doing deals for bulk purchases with the various manufacturers and importers. That is absolutely normal business and I would have thought that this Parliament ought to support it.

Whilst I am on my feet, I will respond to a couple of the comments that have been made by members. I was asked when the State Supply Board found out about this new obligation that it would assume if this legislation passes. I imagine that it will hear about it on the air today.

Members interjecting:

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: I know that the board, as would any other Government body, will happily assume any obligation that Parliament chooses to put upon it. Any public sector organisation has done so in the past and will do so in the future. Regarding the question of what procedures the State Supply Board will use to fulfill its obligations, it is not for me to dictate here. It will develop those procedures, I am sure in consultation with the relevant bodies, being the Liquor Licensing Commissioner and the Commissioner of Police; other expertise that it may require will be available to it. There is nothing strange or novel in that.

Members interjecting:

The CHAIRMAN: Order! Members have had an opportunity to make contributions to this debate and will have further opportunities. I would ask them to listen to the contributions of other members in silence. The Minister of Finance.

The Hon. FRANK BLEVINS: Thank you, Mr Chairman. As regards the number of staff, they will have whatever staff is required to fulfil their function; the cost will be whatever it costs to fulfil their function. I cannot see anything strange in that. I would like to make two more points. The questions raised by the member for Bragg were serious and sensible.

The question of an investigation into the effects of gambling on people in South Australia was discussed extensively in another place, and the Government agreed—in fact, suggested—that the matter be referred to the Social Development Committee or alternatively a select committee of the other place. The Government indicated that, if a particular funding allocation was necessary because of some special expertise that was required by the select committee, it would be made available after discussions with the Chair of the select committee. Whether the Upper House has taken the opportunity to establish that select committee I am not sure; if it wishes to do that immediately, it will have the support of the Government, and we have indicated that. As regards funds being made available to assist various charities that may have to deal with a few people who undoubtedly, will be adversely affected by this legislation through a gambling addiction, the statement has been made in the other place, and I am very happy to make it here, that additional funds will be made available to those organisations.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

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

The Hon. FRANK BLEVINS: I think it is called the Family and Community Advisory Committee, chaired by the Reverend George Martin of Port Adelaide. That committee will be charged with the responsibility of recommending to Government what additional funds will be required as a result of addiction to gambling caused by poker machines, and it was said that the Government will supply funds up to \$2 million in the first full year of the application of poker machines to assist those organisations. So, those questions were worthwhile, and I hope I have answered them to the satisfaction of at least the member for Bragg.

Mr BLACKER: I support the motion moved by the member for Murray-Mallee. I understand that there are various options as to how many licences might go to each area and a little bit of draft criteria. Where that came from, I do not know. The whisper is out that there will be three such licensed premises in Port Lincoln: one at the RSL club, one at one of the four football clubs and one at one of the two bowling clubs. We all know that, if that should happen, it will totally wreck the other clubs, so the motion moved by the honourable member has some merit in as much as it at least allows equal opportunity for each of those sporting bodies, if they should be disadvantaged because they do not get the licence.

This is an issue that not many people have thought through. I wonder how Port Augusta, Port Pirie and Mount Gambier will fare under those circumstances. It may well be that, because of their relative size, sporting clubs in other areas will not be allowed a permit, so Sir, some district councils may not have the facility at all. There are all sorts of variations about which we as members of Parliament do not know, and we have not been told what the ramifications will be. What the member for Murray-Mallee has put to the Committee is fair and reasonable. At least it is an opportunity to try to address that sort of anomaly which has already shown up.

I have been contacted by one of the sporting clubs in Port Lincoln which is already tendering a registration of interest in the knowledge that the legislation has not passed. It has been told that it will probably be allocated on a first in basis. I know that we can give little or no credibility to that statement but there must be some reason as to why a limit of three has been suggested for Port Lincoln but I do not know whether it is on a per capita basis. The issue has been raised and the member for Murray-Mallee has attempted to address it. I think it should be pursued further.

In an earlier contribution I made mention of the effects of the Statutes Amendment and Repeal (Public Offences) Bill. Having re-read that, I believe that the Minister and the Government should look very seriously at the measure to see how we are affected by it. The penalty is imprisonment for seven years. We are treading on very dangerous ground by putting up legislation to try to control all sorts of demands and requirements on individuals by public officers, yet we are now putting through other legislation that in intent offends against the very provision that we put into legislation just one week ago.

The Hon. JENNIFER CASHMORE: I want to respond to what the Minister said in his reply to the questions asked by the member for Bragg. I remind the Minister that the undertaking for an inquiry into the effects of gambling, which was given on the Premier's behalf by the member for Hartley during the debate on the Casino Bill in 1983, I think, was in response to the very first recommendation of the select committee into the Casino, which was held in

1982. That recommendation said that before—not during and not after—any additional gambling facility is established, an inquiry should be conducted. To do so at this stage would be to acknowledge that the horse has bolted. Similarly, to allocate \$2 million, which is the figure that the Minister used for the relief of those who have come to grief because of an addiction to gambling, amounts simply to putting an ambulance at the bottom of the cliff to pick up the pieces instead of erecting a solid and sound fence at the top of the cliff to prevent people from falling. That kind of approach to society's good is perverse, to say the least. It does nothing helpful and it encourages the kind of unthinking disasters that occur on a daily basis as a result of this Government's greed.

I can only say (and I think I would be speaking on behalf of the charitable agencies which have to deal with those who come to grief through gambling) that the \$2 million that the Government proposes to allocate is badly needed right now to cope with the effects of gambling from the facilities that already exist. To expect that \$2 million to be spread to cope with the effects from poker machines is to expect far too much. As to the Government's undertakings on both counts, I simply say that no-one who has any thought or reason believes this Government anymore. Why should we? It has broken so many promises that there is no reason whatsoever that we should take the word of any Minister sitting along that front bench. Virtually every Minister from the Premier downwards has breached his or her word at some time, and there is no reason why South Australians should believe the Government anymore—ever!

Mr S.J. BAKER: I would like to refer to the amendment moved by my colleague the member for Murray-Mallee. I have a great deal of sympathy for the amendment, because it is consistent with the fairness clause that was deleted from the Bill. Members would recall that we added clause 64 into the Bill to allow licence holders who felt aggrieved by those with whom they were dealing to have a right of appeal to the Commissioner. That clause has been taken out, because the dealing relationship has changed quite dramatically, or it will do so under the new proposals. Instead, we have amendment No. 67, which I cannot support, even though it is put forward with the best of intentions.

It is one matter for the board, the Commissioner or whoever is the authority to be the arbiter or the tribunal in a particular event: it is another matter for the statutes to say that the board cannot approve it. The difficulty is the haste with which the amendments have been drawn up. The honourable member would have obviously made every attempt to get the wording right, had the time been available. The time was not available, and we are left with an amendment which has at least the flavour of what we believe should be achieved: that there should be fairness, and that a person who is treated badly should have some board or authority to approach and say, 'I have been treated unfairly. I would ask you to consider this case.'

I do not support the amendment, because it will then be up to the board to interpret unfair discrimination. People come through our doors weekly to complain about unfair discrimination, and it is in the eye of the beholder. Indeed, the question of market price, volume and all those other matters must be considered. It may involve the distance from Adelaide or the type of machine; there is a whole range of factors. So, whilst I support the intent of the amendment, I cannot support the amendment itself.

The Hon. FRANK BLEVINS: In response to a couple of queries, I am absolutely delighted to hear from the member for Flinders, but I point out that already in Port Lincoln

the clubs are entering into the spirit of this legislation, even before it is passed. It is nice to know—and I never doubted—that the people of Port Lincoln, should this legislation pass, will use it wisely and to the benefit of their community. However, the member for Flinders has perhaps forgotten the debates in this Chamber on the very topic which he raised concerning a needs provision for determining whether a club or hotel should obtain gaming machines. This House made it very clear that it did not believe that such a provision was warranted, for the very reasons that were spelt out a moment ago by the member for Flinders. We made it clear that, if clubs were right next door to one another and shared the same oval, there could be no discrimination between one or the other and, indeed, the member for Playford moved an amendment to make that quite explicit, although it was most implicit in the legislation.

Therefore, the member for Flinders can rest assured that, as a local member, I certainly do not want two of the three hotels in the main street of Whyalla to have poker machines and the Liquor Licensing Commissioner to refuse a third hotel, because two of them already have machines. That was the kind of thing that used to happen with the TAB. It was unacceptable to me and I lobbied the Minister of Recreation and Sport and the TAB very hard, saying that that was not on: that they could not benefit one establishment at the expense of others. I am not sure, but I believe that in Club Keno that still happens. My information is that the Lotteries Commission favours one hotel over the others. However, under this legislation it is quite explicit that the Liquor Licensing Commissioner will not permit that. I certainly would not permit it either, because local members would be driven mad by clubs and hotels objecting.

I think the member for Coles spoke quite unkindly about the Premier. I personally will be glad when this leadership contest is over. No-one is asking the member for Coles or the House to take the word of the Premier, me or anyone else. What we are suggesting is that the issue be referred to the Social Development Committee of the Parliament and either House of Parliament can do that. Alternatively, we made very clear that, should the Legislative Council wish to establish a select committee, we would support that—perhaps it has already done that; that is fine. So, we are not asking anyone to take anyone's word. The offer is there and the Parliament can take it if it wishes. I recognise the words of wisdom of the Deputy Leader.

Amendments 1 to 66 agreed to.

Amendment No. 67:

Mr LEWIS: I move:

That this amendment be agreed to with the following amendment:

After subclause (2) insert new subclause as follows:

(2a) The board cannot approve an agreement pursuant to subsection (2) if the terms of the agreement (including the purchase price) unfairly discriminate against the purchaser as compared with other holders of gaming machine licences.

The Committee divided on Mr Lewis's amendment:

Ayes (10)—Messrs Allison, Armitage and Blacker, Ms Cashmore, Messrs Eastick, Ingerson, Lewis (teller), Matthew, Oswald and Wotton.

Noes (20)—Messrs D.S. Baker, S.J. Baker, Bannon, Blevins (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Mrs Kotz, Messrs Peterson, Quirke, Such and Trainer.

Pair—Aye—Mr S.G. Evans. No—Mr Rann.

Majority of 10 for the Noes.

Amendment thus negatived: amendment No. 67 carried.
The Committee divided on amendments Nos 68 to 77:

Ayes (19)—Messrs Armitage, D.S. Baker, Bannon, Blevins (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Messrs Ingerson, Klunder, Peterson, Quirke, Such and Trainer.

Noes (10)—Messrs Allison, S.J. Baker (teller) and Blacker, Ms Cashmore, Messrs Eastick, Mrs Kotz, Messrs Lewis, Matthew, Oswald and Wotton.

Pairs—Ayes—Messrs P.B. Arnold, Becker and Crafter, Ms Lenehan, Messrs Mayes, McKee and Rann. Noes—Messrs L.M.F. Arnold, Atkinson, De Laine, S.G. Evans, Gunn, Meier and Venning.

Majority of 9 for the Ayes.
Amendments Nos 68 to 77 thus carried.

[Sitting suspended from 7.35 to 7.58 a.m.]

**CASINO (GAMING MACHINES) AMENDMENT
BILL**

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 7.59 a.m. the House adjourned until Tuesday 2 June at 2 p.m.