

## HOUSE OF ASSEMBLY

**Tuesday 9 December 1997**

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

### WARRIPARINGA LAFFERS TRIANGLE

A petition signed by 500 residents of South Australia requesting that the House urge the Government to veto any further building on the MFP land at Warriparinga Laffers Triangle was presented by Mr Hanna.

Petition received.

### GAMING MACHINES

Petitions signed by 974 residents of South Australia requesting that the House urge the Government to oppose the installation of poker machines in the Marion Shopping Centre were presented by Messrs Hanna and Matthew.

Petitions received.

### CAPE JERVOIS ROAD

A petition signed by 254 residents of South Australia requesting that the House urge the Government to refuse the proposed development on Lot 9 Noarlunga to Cape Jervois Road was presented by Mr Hill.

Petition received.

### BUS SERVICE, ABERFOYLE-MARION

A petition signed by 416 residents of South Australia requesting that the House urge the Government to provide a bus service between Aberfoyle Hub Shopping Centre and Marion shopping complex was presented by the Hon. R.B. Such.

Petition received.

### WATER PRICES

A petition signed by 93 residents of South Australia requesting that the House urge the Government to reconsider the inequitable water pricing policy of SA Water was presented by Mr Venning.

Petition received.

### PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industry, Trade and Tourism (Hon. G.A. Ingerson)—

Economic Development Authority—Report, 1996-97

By the Minister for Local Government, Recreation and Sport (Hon. G.A. Ingerson)—

District Council—By Laws—Cleve—  
No. 2—Animals and Birds  
No. 5—Motor Boats

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

Adelaide Festival Centre—Report, 1996-97  
Art Gallery of South Australia—Report, 1996-97  
Arts SA—Report, 1996-97  
Carrick Hill Trust—Report, 1996-97

Community Housing Authority, South Australian—  
Report, 1996-97

Community Information Strategies Australia—Report, 1996-97

Country Arts Trust, South Australian—Report, 1996-97

Development Act, Administration of—Report, 1996-97

Film Corporation, South Australian—Report, 1996-97

History Trust of South Australia—Report, 1996-97

Housing and Urban Development, Department of—  
Report, 1996-97

Housing Trust, South Australian—Report, 1996-97

Libraries Board of South Australia—Report, 1996-97

Museum Board, South Australian—Report, 1996-97

Non-Metropolitan Railways (Transfer) Act—Leases of  
Land to the Purchasers of Australian National

Regulations under the following Acts—

Harbors and Navigation—Blood Test

Motor Vehicles—Power Assisted Pedal Cycle

State Opera of South Australia—Report, 1996-97

Status of Women, Office for—Statement 1997

Transport, Department of—Report, 1996-97

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Country Fire Service South Australia—Report, 1996-97

Fire Equipment Services South Australia—Report, 1996-97

Friendly Societies Act—Odd Fellows, Independent Order  
of—Registered Rules

Optima Energy—Report, 1997

SA Ambulance Service—Report, 1996-97

South Australian Metropolitan Fire Service—Report, 1996-97

State Emergency Services South Australia—Report, 1996-97

By the Minister for Administrative and Information Services (Hon. M.H. Armitage)—

Remuneration Tribunal Determinations—

No. 3 of 1997—Ministers of the Crown and Officers  
and Members of Parliament

No. 6 of 1997—Conveyance Allowances and Motor  
Vehicles Schedules

No. 7 of 1997—Deputy Electoral Commissioner

By the Minister for Primary Industries, Natural Resources and Regional Development (Hon. R. G. Kerin)—

Mining Act—Regulations—Prescribed Requirements.

### MURRAY-DARLING BASIN

**The Hon. D.C. KOTZ (Minister for Environment and Heritage):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. D.C. KOTZ:** The Murray-Darling Basin Ministerial Council met on Friday 28 November in Horsham Victoria and issues pertinent to South Australia were significantly advanced. As lead Minister for South Australia, and with my colleague the Hon. Rob Kerin, Minister for Primary Industries and Natural Resources, I argued the case for a new era of water trading between the River Murray States in a bid to boost horticultural and viticultural development in South Australia within the sustainable limits of water use as set by the cap on the Murray, which restricts the amount of water that may be removed.

The council considered and approved a pilot program for water trading rights which will allow River Murray water rights to be traded between South Australian, Victorian and New South Wales water users. The State Government is committed to the development of the State's horticultural and viticultural sector and water is essential to that development. We also recognise that water is a very precious resource and

that we must make certain that we get the best possible value from that water.

South Australian primary producers will now be able to purchase water rights from upstream users in Victoria and New South Wales, considerably increasing South Australia's ability to increase production from our water reliant industries. The interstate water trading project is aimed at helping the irrigation industry become more environmentally and economically sustainable by encouraging the movement of water to the most viable and high value irrigation developments which, of course, are often in South Australia. The pilot program includes conditions aimed at ensuring improved environmental outcomes.

The historic commitment by all States to cap the diversions from the river system agreed to earlier in the year was again the focus of discussion. It is important to note that the council looked at the conclusions of the independent audit group on States progress on implementing that cap. In a significant recognition of South Australia's achievements in this area, the report by the independent audit group noted that South Australia is well ahead of other States in implementing the capping arrangements and has set the benchmark for these important reforms. Tradeable water rights across interstate boundaries is a significant development in terms of common sense economics, future development potential, improved water quality and sustainable water management for South Australia.

#### SENATOR, ELECTION

**The SPEAKER** laid on the table the minutes of the Joint Sitting of the two Houses for the choosing of a Senator.

#### QUESTION TIME

##### GLENELG-WEST BEACH DEVELOPMENTS

**Mr CONLON (Elder):** Will the member for Colton keep his promise to West Beach residents and cross the floor to vote against the 250 metre groyne at West Beach?

*Members interjecting:*

**The SPEAKER:** Order! The question is out of order. It should be noted that, in directing questions, members have to seek out someone who has a responsibility to the House for a particular project or issue. On that basis, I rule the question out of order.

**Mr Condous:** You'll get an answer, don't worry.

**The SPEAKER:** Order! The member for Colton has the call and the honourable member will not provoke the Opposition.

**Mr CONDOUS (Colton):** Thank you, Mr Speaker. My question is directed to the Premier. What is the Government's response to a so-called independent report commissioned by the Charles Sturt council into the West Beach boating facility?

*Mr Clarke interjecting:*

**The SPEAKER:** Order! The Premier has the call.

**The Hon. J.W. OLSEN:** We do not accept the Charles Sturt council report as an independent report because it is not an independent report. Council's resolution opposing the project was passed on Monday night, 10 November 1997. When the council was challenged for supporting evidence, council admitted that it had none—none at all—no supporting

evidence for its resolution on 10 November. It was simply running an interference program and it got caught out.

What happened was that council was casting around to find evidence to support its position. It wanted a quick report, having been put on notice, to suit its own political decision made on 10 November, and it got one. The Charles Sturt report does not provide any evidence. There are no studies, no investigations and no research: only views and opinions. The consultant did not even contact our consultants or the Coastal Management Branch to check the facts. It did not seek the facts of the matter, and that is contrary to recognised ethical protocol for a consultant reviewing another's work. It did not even follow the protocols in a review. It makes a mockery of Mayor Dyer's comments on radio this morning that the Government's original study was flawed.

Overall, there are more than 40 qualifications in little more than seven pages of text; expressions such as, 'there would appear' or 'it appears' are used eight times in the report; 'might' or 'may' is used 10 times in the report—or one should say, 'eight page letter'; 'not shown', 'not aware of', 'not clear', 'difficult to understand' or 'don't understand' appear 13 times in the letter; 'potential' or 'the possibility exists' is used five times; 'likely' is used three times.

We have far more confidence in the independence of our own consultant's work, the Government's work, in that everything our consultant has done has been open to scrutiny and public accountability. The whole lot has been open to public assessment and accountability. The council document is heavily qualified and there are three major qualifying statements. Let me report those to the House, and I quote:

[We have] briefly reviewed the information provided within the time and budget constraints of engagement. Our comments are restricted to a broad overview of the findings of those studies as reported. Our review of the proposed West Beach boat harbor development has been limited to a broad overview of the information provided.

Bear in mind that they did not go to the Coastal Management Branch to get the data upon which the reports were based. A report which was rushed through in three weeks with no independent research, investigation or study to support any of its emotive claims is not a report of which anybody can take serious notice. The report is rubbish and not the basis upon which any objective assessment can be made of this project.

**Mr HILL (Kaurna):** My question is directed to the Minister for Environment and Heritage. Given widespread opposition to the West Beach boat harbor by the community, marine scientists and the member for Colton, why did the Coastal Management Branch of the Minister's department request the developers to increase the length of the groyne at West Beach to 250 metres? The Opposition has been told that at a briefing by the Holdfast Quays developers their plans for smaller groynes to cater for launching power and sailing boats at West Beach were increased in size at the request of the Government's Coastal Management Branch. The developers said that the Government wanted to ensure that the groyne captured all sand moving in a northerly direction up the coast.

**The Hon. M.H. ARMITAGE:** This is a question about the development, and I am very happy to answer it. The whole purpose of the boat harbor and the groyne was, in fact, to provide a safe area for launching the boats. Anyone who had been down at the Holdfast Bay Yacht Club when these plans were first announced would have heard the Comm-

doers of the Holdfast Bay Yacht Club and the Glenelg Sailing Club, whose members incidentally voted overwhelmingly in favour of this development's occurring, say that this would enable boats to be launched when the prevailing wind was such that normally the young sailors, the people sailing the smaller boats and so on, were unable to get out because of the difficulties of the prevailing wind, and clearly that is also the case for the Sea Rescue Squadron, which is based immediately on the landward side of this boating facility. It means that the Sea Rescue Squadron will be able to be at sea within minutes of getting a call in any weather because of the protection of the groyne to which the member was referring.

**Mr VENNING (Schubert):** Can the Minister for Government Enterprises respond to concerns that have been raised in the community that the West Beach boating facility may impair the amenity of the area for local residents and visitors?

**The Hon. M.H. ARMITAGE:** I am delighted to address this issue, because community concern has been raised unnecessarily, I think, and indeed unfairly about this matter. As the Premier has already said, the role of the Charles Sturt council and of its report in particular should be of concern in whipping up unnecessary fever and fervour. In my view the council obviously had a predetermined position on the issue and indeed went consultant shopping but, factually, as the Premier has said, the main failing is that the consultant was not allowed, did not have time or chose not to consult the experts who had looked at all the requisite facts and figures dating back to the early 1980s. In contrast, all the work that has been done by the Government scientists—and there is a bevy of those—has been carefully looked at over a long period, has been given a great deal of thought and has come up with the conclusion that there is the possibility to go ahead with such a boat harbor and that the sand needs to be managed, which we have acknowledged.

Obviously, the community is not understanding one issue, and that is that the Charles Sturt council report says exactly the same thing in conclusion as the Government's reports say. In fact, the consultant engaged by Charles Sturt council says:

It is apparent that a boat harbor could be constructed in the vicinity of West Beach and the beach maintained through sand management.

That is exactly what we are saying. We are saying that it is possible to put it there. The one factual conclusion they have reached in relation to that—and the Opposition is putting all its weight on the fact that this report is actually against the boat harbor—is that it could be done.

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** The simple fact is that that is exactly what the Government has been saying as well; that there are some problems of sand management; and, as I indicated to the House last week, all Governments have managed sand for eons and will continue to do so.

### SA WATER

**Ms HURLEY (Deputy Leader of the Opposition):** My question is directed to the Minister for Government Enterprises. Is SA Water currently examining options for the future, including outsourcing country operations and maintenance, outsourcing the management of our reservoirs, outsourcing customer service operations and outsourcing corporate services?

**The Hon. M.H. ARMITAGE:** As the Premier said, this is a bit of a round the world fishing enterprise. Is SA Water examining anything? The answer is that it is. As a major component in a world water industry, those are exactly the questions that I would expect it to be answering. The Opposition, for the past several years, has made a major play of saying that the water contract and the development of a South Australian water industry in South Australia is terrible. I would have liked one member of the Opposition at least to have been in my office this morning when I saw five people from Abu Dhabi who have been involved with Rib Loc—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.H. ARMITAGE:** I will go on with the good message for South Australia. If members opposite choose to complain and make fun of a South Australian company doing well with an international water industry, let it be on their heads. I was in my office and met five people from Abu Dhabi who are involved in sewerage and waste water. They have been dealing with Mr Bill Menzies' company, Rib Loc, which recently won a national award for the piping which it has installed in Abu Dhabi.

Those people were not here in South Australia to be tourists: they were here to find out what we had done to develop an international water industry and how they could replicate it in Abu Dhabi. The Opposition chooses to denigrate what we have done. The world knows we are on the right track.

### GLENELG-WEST BEACH DEVELOPMENTS

**Mr SCALZI (Hartley):** Will the Premier please advise the House of the environmental studies that have been undertaken on the Glenelg-West Beach developments, and have all the required approvals been obtained?

**The Hon. J.W. OLSEN:** Of course, they have all been obtained, and I thank the honourable member for his question. The West Beach boating facilities were part of the original master plan publicly released in December 1995. The facilities were included in the environmental impact statement amendment report released in May 1996 and in the assessment released in May 1997. I find it interesting that the residents group, who in May 1997 looked at the new configuration with the jetty not cutting the beach, no pipes discharging out of the Patawalonga onto the beach and not putting a rock easement over the beach out to the harbor, regarded it as being an innovative and smart compromise to meet the needs of local people. That was in May.

Of course, on 10 November, displayed in the public gallery of the Charles Sturt Council were a number of posters when the council was making a decision. On one side was the phrase 'No boat harbor' and, coincidentally, on the other side of these placards was 'Stefani Keys—Labor candidate.' Is that not a coincidence, that some ALP placards, used recently, are being recycled against the boat harbor? What a coincidence!

In relation to the environmental assessment report that has been released, issues such as sand management, impact on residential areas, impact on the beach, visual impact and traffic and parking impacts relevant to the EIS were all considered, have all been assessed, and have all been released publicly for scrutiny by the public.

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. OLSEN:** The only change to the proposed boating facilities has been the decision made by the Government in May this year, after taking account of the EIS comment, to require the boat ramp to be constructed off shore and to provide a jetty in effect that allows access from the land base to the off shore facilities, so the beach is not cut in any way. That was as a result of many representations made by the member for Colton, so this open drain was not put in. And it was not to save costs, as the Charles Sturt council and others have said in this report, which is an eight page letter that has no substance to it. In fact, the proposal that we are putting in place will cost millions of dollars of extra Government funds, but we are doing it to be environmentally responsible in terms of providing this major infrastructure in South Australia. We have consulted, we have listened, we have modified and we have incorporated, and that is the plan that was part of the EIS that was originally released, assessed and put out in May this year.

Significantly, the Coast Protection Board supports this Government's plan. What has been submitted and publicly released is supported by the Coast Protection Board and, on the basis of that, we will take our consultant's report, which involved two years of study and assessment and was released publicly—and is accountable for that—compared to an eight page letter, prepared in 12 days, with no investigation, no report and no substance.

### SA WATER

**The Hon. M.D. RANN (Leader of the Opposition):** Will the Minister for Government Enterprises inform the House whether SA Water is currently examining future partial privatisation of SA Water, and will the Minister rule out any privatisation and sell-off of SA Water assets or functions during this term of Government?

**The Hon. M.H. ARMITAGE:** As I have indicated before, this is obviously a fishing exercise. I answered the question before. Frankly, the question that I expected from the Opposition was more related to water rates, because last week the Leader of the Opposition—or it may have been the Deputy Leader; I forget which one—came in and tried to set the hares running by claiming that water rates were going up. However, because of the benefits of the water contract and the international water industry and all of the efforts of the Government, we have been able to bring the water rates down. It is fascinating—

**Mr CLARKE:** I rise on a point of order, Mr Speaker. I draw attention to Standing Order 98, in the forlorn hope that Ministers will answer the substance of the question that is put to them.

*Members interjecting:*

**The SPEAKER:** Order! There is no point of order. Ministers are permitted to dwell on their replies. However, I would point out that Ministers should give relevant replies, contain their replies and provide facts relating to the question.

**The Hon. M.H. ARMITAGE:** As the Premier said, Opposition members are just trying to drown out the good news of a decrease in water rates. It is fascinating that a question like this would come from the Leader of the Opposition. However, it is not surprising, I guess, because, frankly, the Leader of the Opposition has narrow vision—when the success of the Telstra float is still resonating throughout the Australian economy.

*An honourable member interjecting:*

**The Hon. M.H. ARMITAGE:** No, of course not. However, the point of the observation is that people in Australia are not as scared as the Leader of the Opposition is about floating things like public utilities, because obviously the Telstra float has been a success.

*Members interjecting:*

**The SPEAKER:** Order! Before calling for the next question, I remind members that interjections are out of order. The Chair has been relatively lenient in allowing a free flow between both sides of the Chair, but it will not tolerate constant interjections which, as I have pointed out to the House in the past, is disrespectful to both those wishing to hear the answer and those who are answering the question.

### GLENELG-WEST BEACH DEVELOPMENTS

**Mr HAMILTON-SMITH (Waite):** Will the Premier provide an assessment of the damage to South Australia's investment image which is being caused by opposition to the West Beach boating facility?

**The Hon. J.W. OLSEN:** The simple fact is that—

*An honourable member interjecting:*

**The SPEAKER:** Order! The member for Ross Smith.

**The Hon. J.W. OLSEN:** —if West Beach stops, Glenelg stops.

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** The honourable member might say 'rubbish', but it is a statement of fact. Just get the 5AN interview of the developers last Friday. They clearly indicated as much, and would have said so in their briefing last Monday. The Leader of the Opposition has not posed one question on this project yet. The Leader of the Opposition was asked to be interviewed by the media last Thursday but he said he was not available because he did not know much about this project. He was also asked to comment on the weekend.

Similarly, the Leader of the Opposition did not know enough about this project. He must have forgotten about the total briefing that he as Leader of the Opposition and some of his colleagues received last Monday from the developer. This is the Leader of the Opposition who does not want to get into the public limelight about Glenelg-West Beach. He wants his colleagues to put forward an amendment to cripple this project, but he wants to stand back from that. He cannot have it both ways, because Glenelg and West Beach are joined together: you cannot have one without the other.

The developers have in place contracts with the sailing clubs to relocate. They are dependent upon one another for the development to proceed. There are not two projects: there is only one, and that has been made clear from the start. It has also been made clear to the Opposition via the briefing that was offered to them and accepted. Despite what the Leader of the Opposition said in the newspaper article that the Government had not sought to give him a briefing on the matter, I wrote to the Leader of the Opposition offering him a briefing, and that was taken up last Monday week.

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order! The Leader has had a fair go.

**The Hon. J.W. OLSEN:** Yes, Monday week; that's right. The Government has signed agreements with the developers—the Holdfast consortium—who have been seeking finance for parts of this project. To say that they are frustrated about spending a lot of time and money is clearly an understatement. At the moment, their annoyance is sky high. The

latest political ploy by the Opposition by way of this amendment and the Charles Sturt council report threaten to derail any investor confidence in South Australia in the future. If this project goes down, the marketing of South Australia for investment dollars now and in the future will be dealt a devastating blow. What outside investor or financier will—

*The Hon. M.D. Rann interjecting:*

**The Hon. J.W. OLSEN:** When the Leader of the Opposition is being done over, he resorts to diversionary tactics. He cannot keep the debate to the real issue.

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order! The Leader of the Opposition will come to order. I have constantly called the honourable member to order. I would like him to set an example in the Chamber and to give the Premier, who has the call, an opportunity to reply. The Premier.

**The Hon. J.W. OLSEN:** What outside investor or financier will take seriously any investment decision in this State if it can be stopped by the whim of a council which wants to stick its nose into another council's area and an Opposition which claims that it wants to stop our kids from going interstate to get jobs but which does everything to make sure that this development, which has jobs for our kids locked into it in the future, does not go ahead?

*The Hon. M.D. Rann interjecting:*

**The Hon. J.W. OLSEN:** You brought this State to its knees with your appalling version of financial mismanagement. We have spent four years rebuilding the economic base. We now have four independent reports that indicate economic recovery in South Australia. We are now getting private sector investment in place in this State. We have \$1.5 billion at Roxby Downs and \$1.4 billion in General Motors-Holden's at Elizabeth. There are investments such as these, and 15 years and four projects at Glenelg. Jubilee Point was the beginning. It was signed off by the Bannon Labor Government. Not one of those projects was delivered by the former Administration.

We have brokered and facilitated this \$185 million project, stage one of which will cost \$85 million, but what do we get on the eve of its going ahead, when sales and purchases have been extraordinary? The Labor Party, which professes to want to support economic development in this State, moves an amendment that will actually strike at the heart of this project, cripple the investment and have the people walk away. Why does not the Opposition at last put South Australia's interests first?

*Members interjecting:*

**The SPEAKER:** Order!

### SA WATER

**Ms HURLEY (Deputy Leader of the Opposition):** Will the Minister for Government Enterprises tell the House the status of a report, which was commissioned by SA Water and completed in October this year and which canvasses options for future outsourcing of SA Water functions and promotes a proposal to partially privatise SA Water via a public share float? The Opposition has received an SA Water document which canvasses issues relating to the review of SA Water legislation. The document states:

Partial privatisation via a public offering would deliver substantial funds to the SA Government.

**The Hon. M.H. ARMITAGE:** That is fascinating. First, let me say that I have not seen the report. However, it is fascinating that the Deputy Leader of the Opposition states—I

think I heard her say—that this would lead to large amounts of funds coming to the SA Government. Of course, that means the South Australian taxpayer. By opposing this willy-nilly, sight unseen, on blinkered philosophical grounds, clearly the Deputy Leader of the Opposition indicates that the Opposition is not willing even to contemplate the South Australian taxpayer's doing well. It is not willing even to contemplate money flowing to the South Australian taxpayer so that we can continue to provide good services and bring down rates. I am surprised that that did not get another mention.

The simple fact of the matter is that the board of SA Water is a statutory board, as I indicated in response to the Deputy Leader's first question, which was obviously a grab bag. Of course, I would expect them to be investigating the ways of the twenty-first century in the same way as has the Telstra board. If there were to be a float similar to that conducted by the Telstra board, if the South Australian public were to do particularly well financially out of it, and if the taxpayers were to do well out of it because of the dividend to the Government, I would be interested to hear what the Opposition in general and the Deputy Leader of the Opposition in particular would say about a win-win situation.

### GLENELG-WEST BEACH DEVELOPMENTS

**The Hon. W.A. MATTHEW (Bright):** Will the Minister for Government Enterprises advise the House of details of assessment work undertaken by the Government regarding sand management issues affecting the West Beach boat launching facility?

**The Hon. M.H. ARMITAGE:** I am delighted to answer this question, because this has become an issue for, in particular, the mayor of a local government body—not one of the local government bodies that are affected by the actual development at Holdfast shores or the boat launching facility. Expert consultants, Coastal Engineering Solutions (the principal of which is Dr Peter Riedel) and a local consulting firm, PPK, were engaged as part of the Glenelg-West Beach EIS work. In respect of the particular matters in which we were interested in this context, they were asked to examine the sand management issues for the boat ramp. Extensive modelling of sand movement and the way in which sand might be replenished has been undertaken as part of this work. I repeat: extensive modelling has been undertaken, and that has been based on and verified against years of data, experience and investigation by the Coastal Protection Board. What could be more independent of Government than that?

As I have previously told the House, sand management has always been an issue, and it has always been needed on the metropolitan coastline. If these boating facilities were not built and the current sand replenishment program were to cease, the beaches from Brighton to Semaphore would be in jeopardy. This is what happens all the time: Governments manage the sand. Our expert advice, which is also supported by the Coastal Protection Board, is that with the sand management program forming part of the development there will be no erosion of the beaches to the north or south of the project area.

As I said before, even the report which has been obtained—or, as the Premier has said, the eight-page letter to the Charles Sturt council—states categorically that it is apparent that a boat harbor could be constructed in the vicinity of West Beach and that the beach could be main-

tained through sand management. We have done the studies, we know it can be done and we will do it.

### SA WATER

**Ms HURLEY (Deputy Leader of the Opposition):** Is the Minister for Government Enterprises concerned that a paper commissioned by SA Water is recommending that the proposed outsourcing of its water and waste water services be handed over to its two existing private water contractors—United Water and Riverland Water—without going to competitive tender? In recommending the outsourcing of the outer metropolitan regions' water operations, the report states:

... outsourcing these functions would seem a logical extension of the Adelaide contract with United Water.

On outsourcing country water operations, the report states:

Riverland Water could be offered a contract to undertake these activities as an extension of their existing obligations.

Regarding outsourcing customer service operations, the report states that there is a 'case for outsourcing this function to United Water or North West Water Australia. . .'

**The Hon. M.H. ARMITAGE:** As the Deputy Leader of the Opposition has said in her explanation, it could be seen as an extension of the existing operations. A major announcement is to be made later this week in relation to the success of water and the international water industry. It will be of major benefit to country consumers all around South Australia, so I suggest that the Deputy Leader of the Opposition wait until that announcement is made.

### GLENELG-WEST BEACH DEVELOPMENTS

**Mr BROKENSHIRE (Mawson):** I direct my question to the Premier. How important is the Glenelg redevelopment and the accompanying boat harbor at West Beach to the development of the State of South Australia?

**Mr CLARKE:** I rise on a point of order, Sir. This question has already been asked earlier today by the Government toadies on the other side.

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

**The Hon. J.W. OLSEN:** I know that the honourable member wishes he was still the leader of the Opposition business in the House and wants to use Standing Orders to upstage the Deputy Leader, but he is overdoing it a bit. In response to the question—

*Members interjecting:*

**The Hon. J.W. OLSEN:** I know the honourable member does not like to hear these good economic reports coming out about South Australia. Indeed, only this week the ANZ jobs survey figures showed a 9.4 per cent increase in vacancy advertisements in South Australia, and job opportunities will accelerate early next year because of that. We are the leading State of mainland Australia in terms of vacancy rates and with New South Wales we have been leading the nation over the past few months. These are good economic indicators. We have a long way to go, but the indicators are looking smart at the moment. We must make sure that projects such as Glenelg-West Beach go ahead so that we can continue to market South Australia as a logical investment location, and so that we can create jobs in South Australia for South Australians now and in the future.

The economic evaluation of the Holdfast Shores development prepared by Mr Barry Burgan clearly indicates that the

economic development prospective is for jobs being created in South Australia. I quote from the report as follows:

*Construction impact*

Construction expenditure of \$120 million will support the equivalent of 1 200 direct jobs, 1 100 flow-on jobs, or an average of almost 500 jobs per year over the construction period. . .

*Operating impact*

Applying average retail turnover figures, it is broadly estimated that the project will generate commercial (retail and other) turnover in the area of the order of \$30 million per year. This will support of the order of 160 jobs directly in the region, and through multiplier effects a total job creation effect of the order of 300 jobs.

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** The honourable member interjects about sand replenishment. In the course of the past decade or two, only one Government has knocked back sand replenishment along the foreshore. Which Government was it? It was the Bannon Labor Government, and Minister Kym Mayes, that withdrew sand replenishment on our beaches. It was not a Liberal Government: it was this Liberal Government that replaced the sand replenishment program. It is only Labor that has walked away from a fundamental commitment and obligation to our beaches in this State.

*Members interjecting:*

**The SPEAKER:** Order!

### SA WATER

**Ms HURLEY (Deputy Leader of the Opposition):** Will the Minister for Government Enterprises confirm that over the past two years the amount paid to Mr Ted Phipps, Chief Executive of SA Water, has increased by up to \$100 000 to as much as \$230 000 a year? The 1995-96 Auditor-General's Report shows that the pay of the Chief Executive was between \$200 000 and \$210 000, a rise of as much as \$80 000 in one year. The Auditor-General's Report for 1996-97 shows that Mr Phipps's pay has again risen to as much as \$230 000. Given that, since the privatisation of the management and operation of South Australia's water systems from 1 January 1996, SA Water has delegated many of its responsibilities to the wholly foreign owned United Water, why does Mr Phipps receive more for doing less?

**The SPEAKER:** Order! I remind members that they need not ask a question at the beginning and at the end of their explanation.

*Members interjecting:*

**The SPEAKER:** Order! The member for Heysen. The Minister.

*Mr Foley interjecting:*

**The SPEAKER:** Order! The member for Hart.

**The Hon. M.H. ARMITAGE:** The Deputy Leader has answered her own question: she read out the figures.

### GLENELG-WEST BEACH DEVELOPMENTS

**Mr EVANS (Davenport):** I direct my question to the Deputy Premier. What benefits will the Glenelg redevelopment and West Beach boat facility bring to the tourist industry in South Australia?

**The Hon. G.A. INGERSON:** I thank the member for Davenport for his question. Tourism is the most important economic growth opportunity for South Australia, and Glenelg is the number one potential tourism destination for our State. One slip of the pen of this Parliament and the biggest single tourism opportunity for this State goes down the drain. To December 1996 there was a 14 per cent growth

in tourism in this State, while the national average was just over 12 per cent. For the previous two years we were up 2 per cent on the national average and on the suggested figures for 1997 we are up again. Glenelg is the number one tourism opportunity for this State. South Australians go to Glenelg more than to any other destination for their weekend entertainment. Glenelg is a disaster which Labor tried to fix and stuffed up and which now we want to fix up. Who is stopping that opportunity? It is the Labor Party. It is not interested in tourism development: all it is interested in is playing games.

The proposal represents an opportunity for our young kids; between 200 and 400 jobs will be created at Glenelg if this project goes ahead. Who is stopping those potential jobs? It is Labor again. All it ever wants to do is cry 'Foul.' When was the last time that a Labor driven tourism development got up? Not one that anyone can remember. All the dreams are there, but nothing ever happens under Labor. It never delivers anything: all it ever does is stop things. Glenelg is a positive opportunity. Everybody in this House and in South Australia should be promoting that tourism opportunity. Even the Leader of the Opposition runs around this State—

**An honourable member:** Where is he?

**The Hon. G.A. INGERSON:** I think he has gone walkabout again. Even he runs around and tells all the tourism operators, 'I am bipartisan on tourism.' Here is an opportunity for him: stand up and be counted today and say, 'I will make sure that Labor supports this tourism opportunity for Glenelg.'

#### MFP CHIEF EXECUTIVE OFFICER

**Mr FOLEY (Hart):** I direct my question also to the Minister for Government Enterprises. What is the total cost of the termination settlement for MFP Chief Executive Officer, Mr Laurie Hammond, who was re-signed to a four-year contract by the Premier six months ago; and was it greater—

*Members interjecting:*

**Mr FOLEY:** I will start again, Sir. I apologise, Sir: I have been thrown off track by the Government.

*Members interjecting:*

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

**Mr FOLEY:** The Minister has been coached yet again by the Premier—can't you answer your own question?

*Members interjecting:*

**The SPEAKER:** Order! The member for Hart has already asked the question.

**Mr FOLEY:** I had not completed the question, Sir, because I was interrupted by interjections—

**The SPEAKER:** Well, complete it. There is no need for the member for Hart to recommence his question. The honourable member will complete his question from the point he had reached.

**Mr FOLEY:** The former MFP Chief Executive Officer, Laurie Hammond, was re-signed to a four-year contract by the Premier six months ago. Was his pay-out greater than the \$198 000 reported in the press on Friday?

**The SPEAKER:** I remind members that there is no need to repeat the question at the beginning and at the end.

**The Hon. M.H. ARMITAGE:** In response to the member for Hart—and I thought he would have known this—the contract was not with the Premier.

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** The question was based on a falsehood. Secondly, I am informed that the total

package was as reported, namely, \$198 500. That is what I understood and what I was checking with the Premier.

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** I was checking with the Premier as to whether it was \$198 000 or \$198 500. I am informed that \$198 500 is the total package. Thirdly, if someone is on a high salary and their skills are no longer suited to the position available—

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Hart interjected, 'Why did the Premier re-sign a few months ago?'

**The SPEAKER:** The member for Hart will be silent.

**The Hon. M.H. ARMITAGE:** The honourable member was wrong in his question and I will tell him again: the Premier did not sign the contract: it is as simple as that. The contract is with the board of the MFP and not with the Premier. However, to come back to what I was saying before I was interrupted, if someone is on a high salary and is not appropriately utilising the position for the benefit of the State, most sensible people would ask whether we should continue to pay that person a very large salary for a long period or pay them what is a large sum of money—I acknowledge that—

*An honourable member interjecting:*

**The SPEAKER:** Order! The Minister will resume his seat. The member for Hart has had a fair go with interjections. I draw his attention to a statement in *Hansard* that he made only last Thursday:

I would appreciate your listening to me in silence. Interjections are out of order—need I remind you of that?

I remind the honourable member—

*Members interjecting:*

**The SPEAKER:** Order on my right! I ask the honourable member to observe his own request to the House in general terms.

**The Hon. M.H. ARMITAGE:** It is a pity *Hansard* is not in colour—we could see how red he has gone. It is almost the same colour as the dress of the member for Taylor.

**The SPEAKER:** Order! The Minister will come back to the reply.

**The Hon. M.H. ARMITAGE:** If it is necessary for someone to have a pay-out—which is a large sum of money, I am the first to acknowledge—and if that is the best benefit for the taxpayer, is the member for Hart suggesting that we should have someone drawing a high salary and not producing the goods for South Australia? If that is what the member for Hart is saying, I suggest it is commercially dumb and not realistic.

#### GLENELG-WEST BEACH DEVELOPMENTS

**The Hon. D.C. WOTTON (Heysen):** Will the Deputy Premier say how much support exists from the State's boating community for the Glenelg-West Beach redevelopment?

**The Hon. G.A. INGERSON:** I thank the member for Heysen for his question because this development at Glenelg-West Beach is critical not only for tourism but also in terms of the boating industry in South Australia. I would have thought, having listened to a lot of the diatribe that has come from the Opposition in recent days about how we have to look after the little people—those who own tinnies and those who want to use this boat harbor at West Beach—that they are fundamentally the people the Opposition was talking about. We are talking not about huge yachts that can go out at Port Adelaide or down at Wirrina but about a decent

launching facility for tinnies or motor boats in the vicinity of 10 to 20 feet long.

The Glenelg Sailing Club supports the proposal, as does the Holdfast Bay Yacht Club. The Sea Rescue Squadron happens to support it also. The South Australian Recreational Boating Council, which represents something like 10 000 boat owners, and the Boating Industry Association of South Australia, collectively representing thousands of people who own small boats and who want to get access to our Gulf, both support it. I would have thought that an all-weather boating facility in the middle of our coast—something that has been talked about for 20 to 25 years—was a reasonable proposition; a proposition that would enable all those people to have reasonable, safe all-weather boating facilities. It will be a world-class competition centre. It is an opportunity to upgrade one of the worst parts of our beaches and build an international boating facility. It is an opportunity for the clubs to grow and an opportunity to do something serious about sand management.

It is an opportunity to get a Government to make a commitment to sand management, unlike the Bannon Government, which stopped doing all the work. I well remember the former member for Unley. We used to spar often in this House, but I also remember the fact that he always said he would do something but never followed through. Sand management was another major issue on which nothing was done. It is important to note that there is no impact whatsoever on the residential area. The closest housing construction is at least 500 to 600 metres away. It will have no residential impact whatsoever. Again, it is another opportunity to get more tourists into this State. It so happens that fishing is the single biggest participation sport enjoyed recreationally by citizens and tourists in this State. It is the single biggest opportunity for people in the community to get involved. Here we are turning our back again.

It is also important that we put on the public record the endorsement from a few members of the boating industry. Mr Ken Holbert from the South Australian Recreational Boating Council says:

This is a superb plan. We've been crying out for this for years.

Mr Stan Quin, President of the Boating Industry Association, South Australia, said:

It's the result of a thorough investigation, it will not adversely affect the local environment, and it is well positioned to become a major regional centre for recreational boating. Let's get on with it.

A message for Labor: get out of the road and let us get this project up for the benefit of all South Australians.

#### GAMBLERS' REHABILITATION FUND

**Ms STEVENS (Elizabeth):** Will the Minister for Human Services advise how much of the \$4.4 million available to the Gamblers' Rehabilitation Fund in 1996-97 was distributed? In 1994-95, \$378 750 was spent of a total of \$1.5 million available to the Gamblers' Rehabilitation Fund, and during 1995-96, \$695 000 was spent out of \$2 million paid into the account. At 30 June 1996, \$1.6 million was still being held by Treasury, and \$826 721 was held by the Department of Family and Community Services. Annual revenue in 1996-97 of \$1.5 million from the Independent Gaming Corporation and \$500 000 from the Casino bring the total funds available for distribution during 1996-97 to \$4.4 million.

**The Hon. DEAN BROWN:** I am delighted that the honourable member, who tends to want to jump on radio

every morning to comment (as she did this morning), has now gone off and looked at some facts. This morning she made some statements that were entirely wrong. Let me quote to the House what the honourable member had to say on radio this morning:

We have been concerned for a couple of years, because the fact is that, even though money has been going in each year from the industry, the Government, in fact, has not been spending it.

**Ms Stevens:** That's correct; tell me how you have spent it.

**The Hon. DEAN BROWN:** I would like to point out to the honourable member that, in fact, we received \$1.5 million from the hotels and clubs last year and we spent \$1.56 million. She made that statement on the radio this morning even though she had been briefed recently by Dale West (who is in charge of administration of the fund) about the money in the fund. She knows that an initial amount of money went in from the Casino and from the clubs and hotel industry and that in the first year part of that money was unspent and carried forward, and we are now in the process of spending that additional money.

I have announced today that \$500 000 of that money is available for community welfare organisations dealing with families who have been adversely affected and have a major need because of gambling addiction. That money will be out there for those families at this time of the year when the greatest need exists. All that the honourable member needed to do, before jumping on radio this morning, was to pick up the Auditor-General's Report and see that \$1.56 million was spent last year.

*Ms Stevens interjecting:*

**The SPEAKER:** The member for Elizabeth will come to order.

**The Hon. DEAN BROWN:** She would then not have made the quite inaccurate statements that she made on radio this morning.

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** The member for Heysen will come to order.

**The Hon. DEAN BROWN:** Frankly, here is a good news story. The Government is spending this money for those in need in the community. The honourable member should be congratulating the Government for ensuring that those with a need are having some of those needs met.

#### GLENELG-WEST BEACH DEVELOPMENTS

**The Hon. R.B. SUCH (Fisher):** Will the Minister for Government Enterprises respond to claims that scientists at SARDI have been gagged and, in effect, prevented from commenting on the West Beach boat harbor proposal?

**The Hon. M.H. ARMITAGE:** Yes, I can comment on those allegations which are, in fact, incorrect.

*An honourable member interjecting:*

**The SPEAKER:** Order! There is a question: let us hear the answer in silence.

**The Hon. M.H. ARMITAGE:** The comments from SARDI came, indeed, from a number of scientists who are experts in spheres other than engineering and sand management. One of the scientists who alleges that he or she has been gagged and not allowed to talk on sand management and engineering concerns is a computer scientist. He or she has every right to protest—

*Mr Clarke interjecting:*



**The SPEAKER:** Order! I caution the member for Ross Smith.

**The Hon. M.H. ARMITAGE:** —but they do not have the right to protest and utilise the intellectual grunt of a position of being a scientist who knows all about this when their sphere of study is elsewhere. More importantly, this did not represent SARDI's formal and official position. In fact, SARDI's formal comments have been submitted to and taken into account by the Development Assessment Commission when compiling its recommendations and approval for the project.

I understand that the Chief Scientist of SARDI, Dr John Keesing, recognised that some of his staff may have been stepping outside their area of expertise and advised them not to do so, so that they would not make fools of themselves and of SARDI, because they are not trained in the disciplines on which they were commenting. Another interesting point is that SARDI's position now, given that a number of its employees have been brought into this, is that it has actually written to the Government and suggested that with the Government we explore the opportunity of using the boat harbor for SARDI's boats in its operations, so that SARDI can benefit from this boat harbor. That is SARDI's official position, and that is a very sensible position, which obviously the Government would be willing to explore.

#### FAMILY AND COMMUNITY SERVICES DEPARTMENT

**Ms STEVENS (Elizabeth):** My question is directed to the Minister for Human Services. Why did financial controls in the Department of Family and Community Services reach such unsatisfactory levels that earlier this year staff from the Auditor-General's Office had to be co-opted and based in the department to help sort out the problems; and did this situation develop because of the Government's staff cuts in the department?

*Members interjecting:*

**The SPEAKER:** Order on my right! Let us hear the explanation.

**Ms STEVENS:** On page 291 of Part B of his report, the Auditor-General states that controls within the Department of Family and Community Services for the receipt, expenditure and investment of money, the acquisition and disposal of property and incurring of liabilities were not sufficient to ensure that these transactions were being conducted in accordance with the law. The number of staff in Family and Community Services was cut by 118 full-time jobs from 1 190 FTEs in 1993-94 to 1 072 in 1996-97.

**The Hon. DEAN BROWN:** The honourable member asked questions of the previous Minister in this House, and in fact the Minister made a ministerial statement in the House on this very point and explained exactly why FACS had had some accounting problems. The Minister also gave a great deal of detail as to what action was being taken to rectify those problems. Rather than take the time of the House, I would suggest that the honourable member simply go back and read the ministerial statement made by the previous Minister in about June or July this year. The Minister adequately covered all the points. I have read the Auditor-General's Report and there is nothing in it that was not known or discussed and covered in the ministerial statement.

#### INDUSTRIAL RELATIONS

**Mr LEWIS (Hammond):** My question is directed to the Deputy Premier. What benefits will there be for South Australia arising from the Prime Minister's announcement of the Federal Government's industrial relations policy yesterday?

*Mr Clarke interjecting:*

**The SPEAKER:** Order! I have already cautioned the member for Ross Smith once. Let us hear this answer in silence.

**The Hon. G.A. INGERSON:** I note the joviality of members opposite, but the Workplace Relations Act, the development of single contracts and the change in industrial relations nationally has been of very significant importance to all unions and to all members of the working community.

The Federal Government has now developed a new industry statement which also will be significant for industry and jobs. The major growth pattern of a 4 per cent *per annum* increase is a first sign of the importance of our national Government's industry policy. This major policy change recognises that competition does not work on all occasions and that sometimes industry may need propping up for a short period while it gets itself back into competition and starts again to grow.

This policy sets up a new direction for research and development, which is a very good program in terms of the future development of industry in Australia. More importantly, it is significant for South Australia. The policy itself picks up a lot of directions that our South Australian Centre for Manufacturing has set up here and the direction that it wants to take in improving quality and developing more research and development programs here in South Australia and to make sure that we can rebuild our manufacturing industry which has always been so good for South Australia. The TRADEX and Manufacture in Bond Scheme, which will exempt imports used in exports from duty, will simplify and reduce compliance costs for many exporters. That is a very important issue, that we do not have this tax on a tax exercise that has applied for many years for our manufacturers.

The other important initiative is the new Tradestart scheme, which will enable regional and rural South Australia to become part of some new Austrade associated schemes. Also, there will be the development of some special offices within rural South Australia. There is an understanding by our Federal Government that, if we want industry to develop, we have to make sure that there is adequate money available in incentives and programs to make sure that manufacturing and general industrial and development activities occur in South Australia as part of the national growth.

---

#### GRIEVANCE DEBATE

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

**Ms STEVENS (Elizabeth):** The announcement by the Human Services Minister (Hon. Dean Brown) this morning of the allocation of \$500 000 from the Gamblers' Rehabilitation Fund and his inability to answer the question I put to him a few moments ago once again highlights the ineffective way

that this fund has been managed over the entirety of its existence. In his press release this morning the Minister talked about surplus funds available for his pre-Christmas largesse, while we all know that community and social welfare agencies in South Australia have been pleading for ongoing funding for four years. The Minister even got it wrong when he referred to the amount paid into the fund. He said the annual revenue was \$1.5 million from the Independent Gaming Corporation. What about the \$.5 million from the Casino?

**The Hon. Dean Brown:** You've got it wrong.

**Ms STEVENS:** No, you have got it wrong. Reconciliations of the Gamblers' Rehabilitation Fund show that on 30 June 1996—and these reconciliations come straight out of the budget papers—after two years of contributions from the industry, \$1,608.5 million paid to the Government by the Independent Gaming Corporation and the Adelaide Casino was still being held by Treasury and had not been distributed at all; and a further amount of \$826 721 was sitting in a bank account for the fund operated by the Department of Family and Community Services.

In 1994-95 the IGC (\$1 million) and the Casino (\$.5 million) paid \$1.5 million to the Government's consolidated revenue account for the Gamblers' Rehabilitation Fund. In 1995-96 the Independent Gaming Corporation and the Casino paid in a total of \$2 million. Of the total of \$3.5 million paid in over the first two years, the punters received only about \$1 million.

*Members interjecting:*

**Ms STEVENS:** I cannot pronounce it. However, the Department of Family and Community Services did not miss out and dipped into the fund for \$66 878. This information has been revealed before, but I want to say it again. This included unidentified expenses of \$5 531—

**The Hon. DEAN BROWN:** Mr Speaker, I rise on a point of order. I point out to the honourable member that she will get all the correct figures from page 292 of the Auditor-General's Report.

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

**Ms STEVENS:** It also included catering costs of \$478, consultants \$5 375, hire of venues \$736, salaries \$48 812 and taxi fares, travel allowances and even car parking—all these expenses came out of this money that was supposedly set aside to enable people with gambling problems to be rehabilitated. As a result of the Minister's non answer today, we still do not know how much of the \$2 million revenue to 30 June 1997 was distributed or what has happened to the \$1.6 million held in Treasury—

*The Hon. Dean Brown interjecting:*

**Ms STEVENS:** No, you did not—or the \$.826 million held by Family and Community Services. That question is now on the Notice Paper. Let us be clear about this: by the end of June 1998 a further \$2 million from the industry will have been added to the \$4.4 million still unaccounted for. This means that by the end of June next year we should see that \$6.4 million has been ploughed back into the community because, in the words of the former Premier himself, 'This money will be available for special one-off projects and initiatives.' The devastation of poker machines on social welfare organisations has been great. All the money set aside by the industry should have been spent, yet it still has not been spent and the Government stands condemned for this.

**The SPEAKER:** Order! I remind the House that taking points of order during a five minute grievance that do not turn

out to be genuine points of order curtail members' speeches, and I do not think that is fair.

**Mr BRINDAL (Unley):** The question on the mind of every member of this House today, having seen the Opposition in Question Time, must be who is the true Leader of the Opposition. Is the man who sits in the Leader of the Opposition's seat really the Leader of the Opposition or is he just a pawn of the Party factional heavyweights in the ALP?

*Members interjecting:*

**Mr BRINDAL:** The member for Spence raises his hand. Is he the puppet master who really rules the ALP? I ask this question because on Channel 9 on 7 October 1997 the Hon. Mr Rann, as Mr Consensus, said, 'I am prepared to work with John Olsen.' He told all of South Australia that he was prepared to work with the Government for the good of South Australia. Yet today and increasingly we on this side are asking whether Labor will sink the Glenelg redevelopment for the fifth time. To Labor the Glenelg redevelopment is something akin to Atlantis. It is something that exists out there beneath the waves one day to rise. Labor had four goes at it and it failed miserably. Because this Government has invested time and effort into a project worth \$185 million—

*Members interjecting:*

**The SPEAKER:** The members for Mawson and Ross Smith will both come to order.

**Mr BRINDAL:** Thank you, Sir, for protecting me from the member for Ross Smith. He constantly reminds me that Caligula once appointed his horse as the Consul of Rome. I remember as a member of this House the Hon. Mr Mayes and the absolute disdain with which he treated a motion when I called for the then Government to do something about sand replenishment because we were losing the sandhills at Somerton Park.

As the Premier rightly pointed out today, the only Government to have done nothing about sand replenishment for a consistent period was the last Labor Government and, when I and other members who represented beach suburbs complained, Mr Mayes in his normal arrogant fashion was completely dismissive. This Government is prepared to get out there and do something. The member for Colton must be praised because his constructive, reasoned and logical dialogue with the Government has resulted in a number of important concessions which will see this development at West Beach being better than otherwise would have been the case.

The ALP in this forum, in front of the public of South Australia, had better stand up and be counted. It wants its bread buttered on both sides. It wants to be everything to all people all the time. It either stand for jobs for our kids and development in this State, or it stands against that. Does it want job creation in this State? Does it want a \$185 million development, or does it want to do its normal, sniping, carping and whingeing behind the scenes and be obstructive, stupid and otherwise unenlightened? I draw the Opposition's attention to the editorial which appeared in the *Sunday Mail* of 7 December—

*Members interjecting:*

**Mr BRINDAL:** The member for Spence interjects and says, 'It's a disgrace.' I am sure the editors of the *Sunday Mail* will be most interested to hear that he thinks the *Sunday Mail* is a disgrace. The editorial says—

*Members interjecting:*

**Mr BRINDAL:** I do apologise: it was not the member for Spence; it was the member for Peake. They are so alike that

I cannot tell them apart—Tweedle Dum and Tweedle Dee. The editorial states:

The Labor Leader, Mr Rann, should understand quite clearly that the West Beach project goes hand in hand with the \$185 million Holdfast Shore project at Glenelg.

It goes on to say:

Mr Rann must call a halt to plans to frustrate the twin beachside developments and let South Australia bask in the sunshine of the progress.

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

**Mr KOUTSANTONIS (Peake):** I rise in this grievance debate to speak about the Bakewell Bridge, which is in my electorate—

**Mr Brokenshire:** How are the speed cameras going?

**Mr KOUTSANTONIS:** The speed cameras are going well, and I hope you enjoy your last four years in this place, Robert, and that you will enjoy your retirement.

**The SPEAKER:** Order! The honourable member will refer to members opposite by their electorate, not by their Christian name.

**Mr KOUTSANTONIS:** I apologise, Mr Speaker. I draw the attention of members to the Bakewell Bridge. Those members who have never been to the western suburbs, like Steve, might not know where that is. It is at the end of Henley Beach Road and the beginning of Glover Avenue. The bridge now has plastic siding where there should be fencing. The bridge goes over Railway Terrace. Cars have come off that bridge, fallen over the edge and people have died. This Government over the past four years has neglected the Bakewell Bridge. The Government has spent no money upgrading this bridge. As it stands now, after the last death of a taxi driver on that bridge, it has not had the decency to replace the wiring. All it has done is provide plastic siding. The widow has nowhere to put her flowers.

The member for Colton, who likes the western suburbs so much that he moved to Burnside, does not have the courage to speak up for his own electorate. The former Liberal members in that area—the former members for Hanson, Elder and Peake—never had the courage to speak up for their local constituencies on issues such as the airport curfew, brothels that were intended to be located in the western suburbs, the closing down of Henley Beach police station and, of course, South Road trucks.

Your Government proposed to divert 1 300 semitrailers per day along South Road. Do you know why? Because you do not know where the western suburbs are. You do not care about them. The best that your new Leader could do was one seat in the western suburbs. Dean pulled out six. The best John could do was one.

**Mr BRINDAL:** Mr Speaker, I rise on a point of order. It is a custom in this place that members are referred to either by their title or electorate.

**The SPEAKER:** I uphold the point of order. It is correct that members will refer to members opposite by their title. I would also ask the honourable member to address his remarks through the Chair and not direct them at individuals opposite.

**Mr KOUTSANTONIS:** Thank you for your indulgence, Mr Speaker. I am a new member and not quite up to speed with the Standing Orders, and I thank you for your patience. I apologise for not addressing my remarks through you. As you would be aware, Mr Speaker, the former Premier achieved his victory by winning almost every seat in the western suburbs. The best the current Premier could do was

win one seat. This shows the decay of infrastructure, the lack of care, compassion and attention that you people have put into the western suburbs.

We see the member for Colton sitting opposite with a grin on his face, thinking, 'I can't wait because I am going to retire after the next four years. I can say what I like. I do not have to behave myself.' But today, when he was asked to defend his constituents, he did not have the courage to get up and answer the question. That is the kind of representation the Liberal Party affords the western suburbs.

**Mr CONDOUS:** I rise on a point of order, Mr Speaker. As a backbencher, I am not allowed to stand up and reply to a question from the Opposition.

**The SPEAKER:** There is no point of order. The honourable member can take a grievance at any stage other than during this debate.

**Mr KOUTSANTONIS:** When we put the pamphlet out in your electorate, Steve, I will make sure that we tell them that. I apologise; I should have said 'the member for Colton'.

**Mr BRINDAL:** I rise on a point of order, Mr Speaker. I thought you had already informed the honourable member that he must address his remarks through the Chair.

**The SPEAKER:** I was distracted slightly. That is certainly my ruling. The honourable member will address his remarks through the Chair and not towards members opposite.

**Mr KOUTSANTONIS:** I apologise, Mr Speaker. I point out to the constituents of the member for Colton that, when we circulate propaganda in your electorate about your determination and lack of representation in this House, we will make it plainly clear that you did not have the courage to get up and defend the people who you claim to represent, whilst you have stood by and watched—

**Mr LEWIS:** I rise on a point of order, Mr Speaker. I would you like you to point out yet again to the honourable member that he must address his remarks to you, Sir, and not at other members in the Chamber.

**The SPEAKER:** I uphold the point of order. I point out to the honourable member for Peake and any other member who wishes to listen that, by taking this tack and consistently speaking to members opposite without coming through the Chair, they run the risk of consistent interruption of their five minute grievance which does not look good in *Hansard*. I suggest that all members direct their remarks through the Chair. It is for their own benefit.

**The Hon. J.W. OLSEN (Premier):** With the honourable member's acknowledgment that he circulates propaganda against the Liberal Party, perhaps the member for Colton can distribute information throughout the electorate to advise of the lack of facts put out by the honourable member.

Mr Speaker, we made a mistake with poker machines in South Australia, and I think it is time we admitted it. Five years ago the Gaming Machines Bill was a conscience vote in this Parliament. That Bill was a mistake. It was a mistake because it allowed the introduction of poker machines into hotels and pubs as well as into licensed clubs. It was ill-conceived and ill-considered.

**Mr FOLEY:** I rise on a point of order, Mr Speaker. On the Notice Paper today we have legislation dealing with gaming machines. The Premier is clearly anticipating debate and I ask that you rule him out of order.

*Members interjecting:*

**The SPEAKER:** Order! I understand that technically it is not before the House at the moment, but I would also point

out that it is one thing to refer to the content of a particular piece of legislation as against talking about something in broad principle. I ask the Premier to bear that in mind.

**Mr FOLEY:** On a point of order, Mr Speaker, Standing Order 184, 'Business not to be Anticipated', provides:

A motion may not attempt to anticipate debate on any matter which appears on the Notice Paper.

On the Notice Paper is a Bill that intends to wind back poker machines in South Australia which, in its second reading explanation, refers to earlier legislation. This is clearly anticipating debate and must be ruled out of order.

**The SPEAKER:** I do not uphold the point of order. My advice is—and I agree with it—that it is on the daily program: it is not yet printed on the Notice Paper.

**The Hon. J.W. OLSEN:** There is a sound argument today that, if the Bill had been different, if it had been confined to machines in clubs, thereby controlling access to them, we would be without many of the gambling social ills facing South Australia today. It is fact that easy access to gaming machines has led to a level of gambling in this State that no-one foresaw; it is fact that easy access to the machines has led to a level of compulsive gambling that was not, and could not have been, foreseen—and that has certainly shocked me. Even those who rail against the concept of the nanny State, which legislates to protect people from themselves, must be shocked at what this gambling freedom has, in fact, created within our economy and our society.

It is fact that this easy access to poker machines—this almost every street corner access—has destroyed individuals, families and businesses. None of us had any inkling that this would occur. But, indeed, it has. None of us knew then, nor probably understand why even now, but we have to accept the views of experts who tell us that poker machines can turn the most unlikely people into gambling addicts. It is fact that people who never before would have bet on anything other than the Melbourne Cup have lost their wages and their shirts on poker machines. We do not know why, but it happens. The devastation that poker machines has caused in this State has reached a level where we have to say that enough is enough. Last August I said that.

I understand all the arguments about the jobs that have been created in hotels from poker machines; I accept that hotels have spent millions on revamping themselves; and I understand where the AHA is coming from when it talks about the economic benefits of poker machines. But it has to be a question of balance, and we do not have that at present in South Australia. People are suffering way too much, and enough is enough. In August, I announced that I was committed to stopping the proliferation of poker machines in pubs, hotels and shopping centres, and anyone who has seen a tavern in operation at 9 a.m. in the morning would understand and see why. However, the Parliament this week again in a conscience vote is, in my view, in the other place compounding the wrongs of 1992.

**Mr FOLEY:** I rise on a point of order. I ask that the Premier address his remarks through you, Sir. He is turning his back and facing the cameras. It is appropriate that he face the Speaker and address his remarks through you.

**The SPEAKER:** I uphold the point of order in the interests of consistency.

**The Hon. J.W. OLSEN:** The honourable member has achieved his objective to cut out my time to be able to speak this afternoon.

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

**The Hon. J.W. OLSEN:** It was a deliberate tactic.

*Members interjecting:*

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

*Mr Foley interjecting:*

**The SPEAKER:** Until the House comes to order, there will be no more contributions.

*Members interjecting:*

**The SPEAKER:** Order! You are only cutting into your own time, the member for Hart.

*An honourable member interjecting:*

**The SPEAKER:** The honourable Premier.

*Members interjecting:*

**The SPEAKER:** Order!

**Ms GERAGHTY (Torrens):** Last year in October I raised the issue of Telstra customers being charged for calls to 0055 numbers that they did not make, and I referred to one of my constituents, who claimed that he did not make the calls, although Telstra advised us that it was absolutely impossible for these calls to be recorded incorrectly. However, after a long and protracted conversation, Telstra eventually withdrew the charges. We were not convinced by the Telstra argument that its equipment cannot incorrectly record calls, and I have monitored this situation for quite some time.

In October this year I had another opportunity to reinvestigate this matter, when another constituent approached me, quite irate that he had been charged by Optus for a series of 1900 number calls that he had not made—and some of those calls were to dating services and 'Monica on Safari'. He and his wife were quite angry—and rightly so—as they are a mature age couple and, as his wife said to me, she did not care where Monica went or what she did. More protracted discussions ensued, this time with Optus, which quite adamantly stated to me that it is impossible for these calls to be recorded incorrectly. Not able to get past that statement, I wrote to Optus, enclosing statutory declarations that proved my constituents were clearly not at home: they were with friends at West Lakes, I understand, watching the Crows play the Western Bulldogs. Optus indicated to me that, obviously, someone had entered the home. But there was no break and entry, so we were not getting very far. Eventually, though, Optus withdrew the charges.

When my constituents received their Telstra September account, they got a big surprise: they found more of these types of numbers, this time 0055 on the account. Again, they stated that they did not make the calls. However, Telstra informed us that, with its modern computerised technology, it was impossible to record calls incorrectly. I find that incredibly interesting, and let me explain why. According to the October account from Optus, on September 20 calls were recorded at 3.12 for a duration of 5 minutes 9 seconds. On the Telstra account for September 20, a call was recorded at 3.13 p.m. for an 18 second duration. So, the Optus phone call went from 3.12 until 3.17 but, somehow, my constituents were able to make another call through Telstra at 3.30. So, while they are making one call, on the same phone they make another one.

There was not just one instance of that. On the same day (September 20) at 3.20 through Optus they supposedly placed a call that ran for 5 minutes 17 seconds—that is from 3.20 until 3.25—while at the same time Telstra recorded a call at 3.23, while they were making the other phone call of 26

seconds. Accepting that the time clocks of Telstra and Optus are a bit different, it still is not consistent. I believe that my constituents did not make any of those calls with either Optus or Telstra, and I do not accept, quite obviously, that this modern technology is infallible. I quote from the Optus letter—this is in relation to the first complaint that I had—as follows:

Optus appreciates that Mr X has advised that the calls were not made and takes note of the statutory declarations provided. Nevertheless, as the account holder Mr X remains responsible for the calls made even if they were made without his knowledge.

It further states:

As there were no known faults to have caused such calls to be billed, Optus believes that the calls have been made and billed correctly.

There may be no known fault, but obviously there is one. Although I am pleased that both lots of accounts were withdrawn, I would like to know how many customers of either Optus or Telstra have been billed for and paid accounts that they have disputed having got nowhere, simply because they could not prove, as was quoted to me, 'beyond doubt to the satisfaction of the carrier' that they did not make the calls. It is possible, through Telstra, to have a bar to these numbers put onto a telephone, and I would suggest that everyone do that, unless they choose to make these calls, because clearly it is a very long and protracted argument to have those accounts withdrawn.

**The SPEAKER:** The honourable member's time has expired.

**Mr BROKENSHIRE (Mawson):** First, I want to thank the Labor Party for the assistance that it gave me in the election on 11 October, because again it carried on with the dirty tactics that my constituency simply does not appreciate. In 1993, the Labor Party did everything it could to try to get dirt on the Liberal candidate and others and to run around innuendo and propaganda in the last 48 hours prior to the election. It does that in many seats within 48 hours of the election because it does not believe that the candidates in that electorate will have the time to get the truth and the message out. I will talk more about what happened in the 1993 election in due course, but today I want to refer to what happened in the 1997 election.

It was with a great deal of interest that many of my colleagues and I received in the mail in the last 48 hours of the campaign a coloured postcard containing a lot of innuendo and misinformation about the so-called travel of the member. I was one of those members who received a postcard. Interestingly enough, on both occasions when that sort of material has gone around my electorate, I have received numerous phone calls and had people dropping into my office saying that, if the Labor Party wants to continue to play the dirty gutter politics, it will not get their support. So, I ask the Labor Party, when we come to another election in four years, to carry on with the gutter type tripe that it has peddled around not only the electorate of Mawson but many other electorates over the past few terms, and I am sure that that will help us rather than hinder us.

The other thing that I intend to do is to expose the hypocrites on the other side for what they are every time they travel outside South Australia over the next four years.

**Mr ATKINSON:** I rise on a point of order, Mr Speaker. The term 'hypocrite' is unparliamentary and I ask the member for Mawson to withdraw it.

**The SPEAKER:** Will the member for Mawson advise the Chair whether he was talking about a particular person being a hypocrite or whether he was using the word 'hypocritical' in a broad sense?

**Mr BROKENSHIRE:** I was using the word 'hypocritical' in a broad sense.

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

**Mr BROKENSHIRE:** Hypocrisy is all about saying one thing and doing another, and time and again we have seen hypocrisy throughout the Labor Party. I intend to watch closely the travel of members opposite. I refer to the propaganda that went through the electorates. Many members, particularly young members such as the member for Peake, have a lot to learn, although one would think they had been here for five years given the way they have carried on today. They have also said to me that they will have a lot more time in this Parliament. If that is the best they can do, they will have a lot more years in Opposition. The fact remains that, for many years, members of the Labor Party have enjoyed spending their travel allowance more than any other member of this House. I will take a lot of pleasure in letting the media know exactly what these members are doing.

I also want to highlight the fact that the recycled water project in the Willunga Basin has been approved to the point where the pipeline will begin early next year. That is just one of the projects that I dealt with during my trip. I have nothing to hide about my travel allowance. I will capitalise on every opportunity to travel if it means that at the end of the day there will be jobs for my community and that I will have a better understanding of how this Government can rebuild South Australia and fix Labor's mess. Clearly, at the moment—

**Mr Koutsantonis:** From Hawaii.

**Mr BROKENSHIRE:** The member for Peake says, 'From Hawaii.' I suggest that he look at the sand replenishment programs in Hawaii and at what we are now doing here and he will see that the greatest tourist areas in the world are doing exactly the same with sand replenishment as is this Liberal Government, unlike the Labor Party, which, when it was in power, neglected our beaches, our environment, our tourism and our future. I challenge every member on the other side of the House, if they want to regain any credibility, not to travel out of South Australia during the next four years and to return their travel allowance to the general coffers of South Australia. Instead of peddling misinformation and making it look as though only Liberal members of Parliament travel, for once they should show that they have something in the way of intestinal fortitude, honesty and integrity to present to the people of South Australia. In the meantime, I suggest that they assist the Government to rebuild this State and support the developments currently in place.

**Mr MEIER:** Mr Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

*Members interjecting:*

**The SPEAKER:** Order! When the Chair is on his feet giving a ruling or reading a message, it is customary that members either sit or remain stationary.

*An honourable member interjecting:*

**The SPEAKER:** And I include members on my right.

### GAMING MACHINES (GAMING VENUES IN SHOPPING CENTRES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** I move:

*That this Bill be now read a second time.*

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

Leave granted.

This Bill seeks to amend the *Gaming Machines Act 1992* to prohibit the Liquor and Gaming Commissioner from granting a gaming machine licence or in any other way allowing gaming machine operations in a retail shop.

On 17 August 1997 the Premier announced that he would move to have the *Gaming Machines Act 1992* amended, effective from 17 August 1997, to stem the undesirable trend of gaming machines in shopping centres. This trend towards gaming machines in shopping centres was not envisaged by Parliament when the Act was passed and it is not in the public interest.

While there are many in the community who decry gaming machines, there are others who see them as a legitimate form of entertainment. The key is entertainment and it is socially unacceptable for gaming machine venues to be located in a shopping centre or promoted in such a way that they compete openly and explicitly for the household dollar rather than the entertainment dollar. It is unacceptable that household money set aside for staples could be diverted on a whim to gaming because of the temptation and the attraction of gaming venues located enticingly in shopping centres or in single shops for that matter.

This amendment will ensure that gaming machine licences cannot be granted in these situations.

The Bill provides that the prohibition is backdated to apply to applications made on or after the date of the Premier's public announcement, namely 17 August 1997. No applications for gaming machine licences have been lodged since that time.

A schedule of statute law revision amendments is appended to the Bill. These amendments are non-substantive and mostly make changes consequential on the new *Liquor Licensing Act* terminology, and convert divisional penalties into specific dollar amounts in line with Government policy.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Commencement*

This clause provides that the operation of the new section prohibiting gaming venues from being located under the same roof as a retail shop or within a shopping complex will be backdated to 17 August 1997. The rest of the Act comes into operation on assent.

##### *Clause 3: Insertion of s. 15A*

This clause inserts a new section prohibiting the Commissioner from granting (on or after 17 August 1997) any application under the Act that would have the result of premises to which a gaming machine licence relates, or a gaming area, being under the same roof as a retail shop or being located within the boundaries of a shopping complex. Subsection (2) makes it clear that the prohibition applies only in respect of applications made on or after 17 August. Any grant of such an application will be void. Subsection (3) excludes hotel bottle shops and specialty shops within hotels from the prohibition. Subsection (4) makes it clear that licensed premises located within the grounds of a shop or shopping centre will be regarded as being located within the complex if the land on which the premises are situated was part of that complex immediately before planning approval was given for the establishment of the licensed premises. Licensed premises that adjoin a shopping complex will also be regarded as being located within the complex if the Commissioner is of the opinion that they are so linked to or integrated with the complex that they may properly be regarded as forming part of the complex. Subsection (5) contains some necessary definitions. The definition of 'shopping complex' brings within the ambit of the prohibition all the parking and other areas ancillary to a shop or shopping centre.

##### *Clause 4: Statute law revision amendments*

This clause and the schedule make sundry non substantive amendments of a statute law revision nature.

**Mr FOLEY** secured the adjournment of the debate.

### MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

The purpose of this Bill is to correct a deficiency in the legislation for the collection of the national heavy vehicle registration charges.

*The Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995* (Act No. 77 of 1995) came into operation on 1 July 1996 and defined "prescribed registration fee", in relation to heavy vehicles, by reference to the Commonwealth *Road Transport Charges (Australian Capital Territory) Act 1993* (the Commonwealth Road Transport Charges Act).

*The Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996* (Act No. 30 of 1996) repealed the definition enacted by Act No. 77 of 1995 and defined "prescribed registration fee" as the fee specified in the regulations under the Motor Vehicles Act.

The effect of Act No. 30 was to remove the reference to the Commonwealth Road Transport Charges Act. As heavy vehicle fees were not specified in the Motor Vehicles Regulations when the collection of the fees commenced from 1 July 1996, there was no provision to collect the fees until the deficiency was corrected by an amendment to the Motor Vehicles Regulations. The amendment came into operation at midnight on 24 September 1997.

This amendment Bill will operate retrospectively, in order to validate heavy vehicle fees paid during the period in which there was a deficiency in the law. The use of retrospective legislation is appropriate in this instance, because it simply reflects the original intent of Parliament for the registration fees for heavy vehicles to be determined by reference to the Commonwealth Road Transport Charges Act. The payment of the national heavy vehicle registration charges was well known to, and accepted by, the heavy vehicle industry.

Failure to provide retrospectivity could result in a large number of claims against the Crown for the return of registration fees paid by heavy vehicle owners prior to 25 September 1997. Any owners who instituted such proceedings would be receiving a windfall gain at the expense of the rest of the community, which must fund the repair of the damage caused to the roads by heavy vehicles. It is in order to avoid this inequity that the current Bill has been brought before the Parliament.

I commend the Bill to Honourable Members.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Commencement*

This clause provides that the measure will be taken to have come into operation on 1 July 1996 immediately after section 3(c) of the *Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996* came into operation.

##### *Clause 3: Amendment of s. 5—Interpretation*

This clause substitutes a new definition of "prescribed registration fee" that provides for registration fees for heavy vehicles to be determined by reference to the Commonwealth Road Transport Charges Act.

**Mr ATKINSON** secured the adjournment of the debate.

### ROAD TRAFFIC (SPEED ZONES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

This Bill proposes amendments to the *Road Traffic Act 1961* ("the Act") which relate to signage used for "School Zones" and remove any ambiguity in the law about "School Zones" and speed zones operating at certain times of the day only.

Currently, section 49 of the Road Traffic Act provides for the operation of special speed limits in the vicinity of schools. Section 49(1)(c) states that drivers are restricted to a speed of 25 kilometres per hour when travelling between two signs bearing the words "SCHOOL" and "END SCHOOL LIMIT", at times when children are proceeding to and from school on that portion of the road. Section 49(1)(d) imposes a speed limit of 25 kilometres per hour when approaching and within 30 metres of a pedestrian crossing where flashing lights are in operation and at the approach a sign bears the words "SCHOOL CROSSING AHEAD".

Section 49 (1)(c) requires prosecutors to prove the fact that children were travelling to or from school at the time, as an essential element of the offence. It also requires drivers to recall correctly all of the requirements of the particular legislation, and to keep an eye out for children at all times of the day, seven days a week. The wording of the provision is such that the speed limit applies whenever children are travelling to or from a school, including for purposes such as weekend sporting fixtures, evening concerts and even vacation programs.

This makes it very difficult for drivers to know when they are expected to keep to the lower speed limit. The situation is even more complex for interstate drivers, who are expected to know that the school speed limit in South Australia is 25 km/h, even though it is 40 km/h in many other States. Similarly, drivers are also required to recall correctly the provisions of section 49(1)(d), since the SCHOOL CROSSING AHEAD signage gives no indication of the speed limit or the distance for which it is to be observed.

As a result of a review of pedestrian facilities in South Australia by the Pedestrian Facilities Review Group, Section 49 has not been relied upon to govern speed limits outside schools since the beginning of the 1997 school year. The Review Group represented major stakeholders, including the Royal Automobile Association of SA Inc, the Local Government Association, the Institute of Municipal Engineering Australia, the Aged and Invalid Pensioners Association of SA, the South Australian Association of State School Organisations and the SA Police. It recommended that signs be erected outside schools which would clearly indicate the applicable speed limit and the times of its operation.

The new system was implemented under section 32 of the Road Traffic Act, which allows the Minister to fix a speed limit for any road or portion of a road. The Minister's delegate in the former Department of Transport notified all Councils of the new signage to indicate the part-time 25 km/h speed limits in all areas between the former SCHOOL and END SCHOOL LIMIT or SCHOOL CROSSING AHEAD signs. Councils were authorised to erect the new signs and to consult with the relevant schools, to determine appropriate periods during the school day when the speed limit would apply to meet the needs of children. In some cases Councils identified the need for new school zones, and sought approval for them from the Minister's delegate in the Department.

The new signage for "School Zones" marks a significant increase in safety for children proceeding to and from school. As I have said, the former school signs gave no indication of the speed to be observed or the actions required of drivers. Instead it was necessary to remember the legislation associated with the signs. Also, drivers were often unaware of the necessity to reduce speed until after seeing children, when it was arguably too late.

The signs now used at "School Zones" comply with the 'Australian Standard AS 1742.10 Pedestrian Control and Protection' and ensure South Australia is consistent with the requirements of the draft Australian Road Rules.

I am aware of recent adverse publicity concerning "School Zones" asserting that the Crown Solicitor advises that the zones are not valid. These reports are inaccurate and both underline and exacerbate the existing confusion in the community. In fact the Crown Solicitor has confirmed that the Act allows the zones to be created by use of section 32(2), but has advised the Department of Transport, Urban Planning and the Arts that the Act does not clearly provide for the operation of speed zones to apply only at certain times of the day. As a consequence, the 25 km/h "School Zones" limit may apply 24 hours a day. Similar issues may exist over other temporary speed limits, such as that used at Football Park. It is the

advice of the Crown Solicitor that any possible ambiguity should be clarified by an appropriate amendment as herein proposed.

The proposed amendment to section 32 and the consequential amendments to section 175 ensure that the power exists to limit the operation of "School Zones" and other speed zones to particular days and/or times and validates the speed limit that applies outside of these operating times.

I am also aware that some people have claimed that those drivers who have been issued with expiation notices for speeding in school zones have somehow been unfairly treated, and have some sort of a moral right to the return of their expiation fees. The facts do not support this claim. The new signs were approved for situations in which the old signs had previously been erected, or where appropriate justification for a new zone was provided by the relevant Council. The only change is that the signs give more explicit guidance to drivers about the speed limit which applies, and the hours of its operation. Although the use of Section 32 may mean that the speed limit operates at all times, in fact the police have only enforced it on school days during advertised hours. All the changes which have been introduced have made it easier for drivers to understand what is expected of them, rather than harder.

The current Bill clarifies the law as it applies in line with the current improved practice. As a result of the use of section 32 to create "School Zones" it is necessary to repeal sections 49(1)(c) and 49(1)(d) of the Road Traffic Act, both of which relate to the former signs. These sections are now obsolete.

As the measures have already been implemented, there will be no additional cost. In the meantime, the Minister of Transport and Urban Planning has reconstituted the Pedestrian Facilities Review Group to address school safety issues, including the standardisation of hours of operation of the 25 km/h limit at all school sites and ways and means to improve the identification of sites.

I commend the Bill to members.

Explanation of Clauses

*Clause 1: Short title*

*Clause 2: Commencement*

These clauses are formal.

*Clause 3: Amendment of s. 32—Speed zones*

Section 32 provides for the establishment of speed zones by the Minister. The clause adds a new provision making it clear that the Minister may, when fixing a speed limit, limit the operation of the speed limit to specified periods. The clause goes on to provide that the speed limit applying to the portion of road or carriageway immediately leading up to the zone will apply in the zone for periods other than those so specified, and will be taken to be indicated by signs in relation to the zone in accordance with section 32. This latter deeming provision relating to signs is necessary in view of the wording of section 50 of the principal Act which makes it an offence to drive a vehicle in a speed zone at a greater speed than the speed fixed for the zone and indicated by a sign or signs erected under the Act.

*Clause 4: Amendment of s. 49—Special speed limits*

Section 49 currently sets special speed limits for schools. These speed limits are now to be set exclusively by means of speed zone arrangements under section 32 of the Act. The clause removes the paragraphs dealing with school speed limits.

*Clause 5: Amendment of s. 175—Evidence*

The clause adds a new evidentiary provision relating to proof of the speed limits applying to speed zones.

**Mr ATKINSON** secured the adjournment of the debate.

## STAMP DUTIES (MISCELLANEOUS No. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 December. Page 24.)

**Mr FOLEY (Hart):** The Opposition has considered this Bill and it intends to take it to Committee, because it has a number of questions. However, as many of the aspects of the Bill were covered during the Government's election campaign and put forward in its election policy, the Opposition agrees to support it.

However, from my point of view as shadow Treasurer I must say that I am not completely satisfied with certain

elements of the Bill and I intend to ask some questions in Committee. Whilst I acknowledge that there is certainly financial benefit to primary producers from the exemption from stamp duty, as there is in taking advantage of the more competitive financial packages available on offer, I am personally of the view that that is a narrow exemption to a narrow part of the economy. Given that not only rural producers but also small business operators in country and regional South Australia suffer from financial difficulties in the bush, I would have thought that, when you offer a stamp duty exemption to one narrow section of the economy but not to others, by definition you are creating a degree of inequity in the taxation system within which you are operating.

*Mr Venning interjecting:*

**Mr FOLEY:** It is very much the right Bill. Has the member for Schubert read the second reading explanation? It is the Stamp Duties Amendment Bill. Whilst the Opposition will support that part of the Bill that enables rural South Australia to take advantage of the cheap interest rates on offer and to be stamp duty exempt, it is a bit problematic. We simply do not have a level playing field in terms of other people operating within the rural economy. If you have an economic downturn in country and regional South Australia, operators who are also suffering from an economic downturn could legitimately ask why they cannot avail themselves of stamp duty relief for refinancing their business. It is for that reason that this sort of policy is of concern to me.

Having said that we will support the Bill, I still think it is important as the alternative Treasurer of this State to put my views on record. In a general economic downturn across the State, small business suffers. If you are a small business operator in Adelaide you do not have the same ability to avail yourself of the cheap interest rates available through stamp duty waivers as country South Australia will have under this legislation. I would ask: why not? If we started doing that across the economy we might as well not have a stamp duty. Given our narrow tax base under the current taxation regime, that is something that Governments could not consider. I simply raise that point because, if I were a chemical supplier in a small town in the Mid North of South Australia, I would be suffering the same effect as that on a farmer through a downturn in commodities.

*Members interjecting:*

**Mr FOLEY:** But that is the issue. The Bill provides that, if commodity prices drop through the floor or there is a drought (neither of which is the case at present), a farmer can negotiate a cheaper financial arrangement and not pay stamp duty. But, if you are a chemical producer in Gladstone or Crystal Brook and your business is affected through that in the same way, you cannot refinance your business in the same way as can your clients. I simply put on the record that that in itself is a distortion of the tax system.

*An honourable member interjecting:*

**Mr FOLEY:** You may be but, if you are a small operator, news agent or something else, it is different. The issue—

*Mr Brindal interjecting:*

**Mr FOLEY:** Perhaps I am letting you in on the thinking of a future Labor Treasurer. That is probably more than the member for member for Unley deserves. I know it is hard for him to follow such detailed discussion, but I suspect that if he is going—

*An honourable member interjecting:*

**Mr FOLEY:** Reading the spreadsheet was not the problem: it was what was on it that was the problem. The issue here is worth noting. Another element of the Bill is to

bring us into line with the other States of Australia by abolishing stamp duties on the presentation of interstate cheques in South Australia. I will question that, but I assume that that is of minimal financial impact and a national move which I would support. While I am baring all my views on this, I might as well be up front about the issue of making stamp duty exemptions for primary producers. The Bill refers to 'those persons in rural South Australia,' so I will seek clarification about whether that definition provides only for primary producers or whether it includes people living in country towns.

*Members interjecting:*

**Mr FOLEY:** I am trying to have a reasonable debate here. The member for Unley should rise to the esteem in which he should be held as a future Minister. Perhaps he should sit there and he might learn something that will help should he ever be invited into Cabinet. We have another anomaly here: if a bank in a country town closes and there is no branch of that bank in the next town, a person is able to negotiate a deal with another bank in their town or the next one without having to pay stamp duty. On the surface that sounds a reasonable proposition but, again, as you work through the argument you find a series of other distortions. For example, you might be living in a densely populated part of country South Australia, for argument's sake the Mid North, the Barossa, Willunga or the Fleurieu Peninsula, where there are a number of small towns with banking franchises or financial institutions or agents; or, I might be living in Crystal Brook. If the institution that I bank with closes and, let us say, the State Bank does not have an office in the next town—which would be Gladstone—but there is one a few kilometres away at the next town, that is good enough and I can get stamp duty exemption.

*An honourable member interjecting:*

**Mr FOLEY:** You will all have your chance; you do not have to wave. The point of my argument is that, in densely populated parts of country and regional South Australia, it may not be all that onerous or difficult to go to another one of your bank's branches not very far from where you live. Why should that person be able to receive stamp duty exemption when other people in metropolitan Adelaide cannot? I accept that there is a distance factor in the electorates of the members for Stuart, Giles and Flinders: I acknowledge that.

Certainly in the electorates of the members for Stuart and Finnis there is no doubt that hundreds of kilometres could be involved. In that case I would accept that the argument for what is being put forward has some weight, but I am not certain that enough thought has been put into this Bill to establish criteria as to what is considered a proper distance from your branch. It is for the Government to decide these things, but perhaps the Act should provide a minimum distance of 100 or 150 kilometres, and that would help to smooth out distortions that have the potential to appear in this Bill. Particularly given that this is a revenue issue, we accept that in this instance the Government has the authority to put this legislation to the Parliament.

The Government has some sort of mandate that it can claim and the Opposition is prepared to accept that. However, if one is being rational and objective about assessing this legislation, let us try to be constructive, because we are talking of reducing revenue to consolidated account. Whenever such a matter is debated in this House it is right for us to have a mature, unemotional debate and discussion about the merits of it. We are offering the Government bipartisan



support, but let us at least look at these issues. In the reply by the Minister representing the Treasurer I look forward to hearing some general comments on this, and I will ask some questions in Committee.

**Mr BROKENSHIRE (Mawson):** I am pleased to hear of the bipartisan support from the member for Hart. I will be brief but I am delighted to speak on this Bill, which is important in many ways, not the least of which is that it sends three clear messages. First, when the Liberal Government puts forward a policy prior to the election, it gets on with the job as quickly as possible. It was interesting to note in the media recently a list of policies we highlighted to the people of South Australia prior to the last election and how quickly we got on with making sure that those policies were actioned. This is another one of those policies we are actioning currently, and I congratulate the Ministers on being so responsive.

It is important that we are responsive, particularly to those in rural and regional areas. I have heard a lot of rhetoric over the past four years from members opposite, who say that we are not interested in rural or regional areas. We know that that is an absolute nonsense because the fact remains (and as a farmer living in a rural area I know how important it is to get reasonable support from Governments) that rural regions need as much support as they can get at the moment. This is one way of flagging that support.

Whilst primarily legislation that deals with regulation of banks is a Federal matter, this is one great way that a State Government can signal to banks that it is not prepared to put up with their pulling out of rural towns whenever they feel like it. I can think of two examples involving my electorate. There is no longer a bank in Myponga. The Bank of Adelaide was taken over by the ANZ Bank, which stayed there long enough to ensure that it had its customers in order and which a couple of years later moved from Myponga to Yankalilla. In Mount Compass, my home town, I now see a situation where BankSA no longer has a manager there with the power to grant significant loans, and the bank is slowly gearing down there.

McLaren Vale is an important rural town in my electorate and an economic engine-room driver for the whole of the electorate and I can remember having the Bank of Adelaide there. Unfortunately, and sadly, when that was taken over we lost another bank. As far back as I can remember, bank closures have been occurring. I highlight this, because banks are an important part of the economic framework and foundation of a town. If a bank is operating in a town, many other services stay in that town.

The member for Hart may have a point because primary producers will get these stamp duty exemptions. To think about it rationally, the bulk of a rural town's income is generated by primary producers, whose activities have a huge impact. Advice given to me is that the closure of banks is an exemption for all people in rural areas. The member for Hart aspires to be Treasurer, and even Leader, within the next four or five terms, although I see some other people on his side who have now come into the Parliament and who will be pushing the honourable member in that regard. It will be interesting to watch. The member for Peake will not be one of those.

*Mr Koutsantonis interjecting:*

**Mr BROKENSHIRE:** The member for Peake thinks I have four years left. In four years time we will see whether the member for Peake is right. I will tell him one thing: if I

am not successful in four years—and I will give all my support and energy to my electorate to ensure that my constituents support me in four years time—I will go down as part of a team that established more opportunity, rebuilt South Australia and created more in the way of a sustainable future for South Australia than the member for Peake and the other has-beens in his team will ever do for South Australia. When I look at the member for Peake, I can see another State Bank.

**Mr FOLEY:** I rise on a point of order. We are trying to debate an important piece of legislation that affects revenue to the State. Mr Deputy Speaker, I ask you to bring the member for Mawson back to the Bill or I suggest that he sits down.

**The DEPUTY SPEAKER:** Order! There is no point of order, but I suggest that the member for Mawson come back to the legislation.

**Mr BROKENSHIRE:** I accept your wisdom and advice, Sir, and will get back to the legislation. This legislation is about a signal to all businesses and corporate bodies that this Government is serious about businesses remaining in rural towns and doing the right thing by communities. All people—whether TAFE lecturers, people working in businesses or farmers—will enjoy this benefit if a bank leaves that town, provided they bank outside the metropolitan area. It is an important signal and one that I strongly support. It is another indicator to the rural communities that this Government is absolutely committed to them because we know where the real economic base of this State lay in the past and where it will lie in the future: with a vibrant rural and regional economy. I look forward with the rest of the Government to ensuring that the rural communities continue to grow during the term of this Government. I support the Bill.

**Mr VENNING (Schubert):** I rise in support of this Bill. I remind the House of the history of this legislation. It was first raised in this place in 1991 by me and the member for Mallee at the time. As members of the then Opposition, we raised this tax measure and asked the then Government and Treasurer to consider appropriate legislation, but we did not get the time of day. I appreciate that when the Liberals came to Government in 1993 this was part of the election manifesto. It has been extremely well received by the rural community, particularly by those locked into the sort of financial deals covered by this measure. I listened intently to the comments of the member for Hart, but this measure, as well as many others, was first thought of when we were in Opposition in October 1993.

Waiving stamp duty on issues such as this cannot be said to be moneys forgone by Treasury. Because of the impost alone, it was not money collected because the impost made the transaction impossible and it was not considered. Rather than farmers being locked into certain institutions, the stamp duty was used as a hedge by the institutions to keep farmers locked into their particular financial deal. I welcomed the legislation when we came to Government in October 1993. I reflect on the time when the member for Mallee (now the member for Hammond) and I shared an office which no longer exists on the other side of the Centre Hall. Many of these measures were cooked up at that time. This is one of six policies we proposed in Opposition and implemented when we came to Government in October 1993.

Certainly, it is sad to see the closure of banks in many of our country towns. Being a customer of the ANZ Bank, and previously with the Bank of Adelaide, I am very upset that

so many branches of this bank, and others, are closing in rural South Australia. There used to be some loyalty to the communities by these organisations, but not today. It is sad to see so many banks, which have been in these communities for years, tell their clients that they are closing and often with only two days' notice. It is pleasing that clients who wish to remain banking in their town can now transfer their accounts and all their financial transactions over to another bank or institution, such as a credit union, without paying prohibitive duty. I welcome that situation.

Today, we see much lower interest rates payable by businesses and farmers. Certainly, I heard the member for Hart asking, 'Why should small businesses elsewhere not have the same privilege?' Usually, small businesses have stronger negotiating skills and therefore pay approximately 2 per cent less on their loans than the average farmer. I am afraid to say that financial institutions see farms as high risk, so they cannot attract the better interest rate. Therefore, small businesses have an advantage from the start. I would be interested to hear what the Minister has to say about that.

I know that farmers appreciate this privilege given to them by the Government, but I stress again that it is not revenue forgone because the Government was not collecting the money anyway. The previous Treasurer, the Hon. Stephen Baker, and I had many long discussions on this matter, and I pay tribute to him: he was an astute and tough politician and he, above any other member in this place, certainly turned around South Australia with tight financial control as Treasurer of our State from 1993 until a few weeks ago. We had some spirited debates and he never let me forget the privilege that farmers enjoy. I have heard the comments of the member for Hart and also the member for Mawson, and I support the Bill.

**The Hon. G.M. GUNN (Stuart):** This is an important measure which the rural industry appreciates, and anyone who knows anything about the farming community would be—

*Mr Clarke interjecting:*

**The Hon. G.M. GUNN:** The honourable member knows nothing about many things, and this is one subject where his knowledge is also very limited. This is an important issue for the rural community. It brings about certainty, it will allow the next generation to take over and it will bring about efficiency in agricultural pursuits.

In relation to the comments made by the member for Hart about people wanting to change banks, one of the difficulties experienced in my electorate (where, unfortunately, there has been a considerable amount of bank rationalisation) is that people in small communities have found themselves in a difficult situation if they want to utilise the only remaining bank. They have to pay stamp duty. This concession is long overdue. It is all about retaining business in small country towns and, therefore, it should have the wholehearted support of this House.

There is one question which the member for Hart needs to address: where does the Labor Party stand on this issue? Will he give an unqualified commitment to this House that when Labor forms a government—if it ever does—it will continue with this scheme? Is he prepared to say that part of its manifesto at the next election campaign will be to maintain this scheme? During the last election campaign there was absolute silence from members opposite in relation to this matter.

Members opposite do not have a good track record in relation to the rural sector. When you couple this concession with the concessions that the Federal Government has brought forward to allow elderly people to qualify for social security benefits, then both—

*Mr Clarke interjecting:*

**The Hon. G.M. GUNN:** That is an interesting comment from the former Deputy Leader of the Opposition, the member for Ross Smith, because he is clearly indicating that he believes that those elderly people, many of whom are suffering, are not entitled to social security benefits. Even though they have paid taxes all their lives, because of circumstances beyond their control they have been denied that opportunity until recently. This scheme is important to ensure that people are able to access that benefit.

I wholeheartedly support the provisions of the legislation because it is in the long-term interests of the people of South Australia. The people of South Australia need a viable, effective farming community because it provides huge amounts of revenue for the Treasury of South Australia and, therefore, anything that can be done to make life easier for them is far better. The Labor Party's track record in these matters has never been good. I commend the Minister responsible for the legislation and I hope it has a speedy passage through the House.

**Mr MEIER (Goyder):** I, too, support this legislation. In fact, it was well received in my electorate during the last election campaign. I point out that Port Broughton was included in my electorate only at the 1997 election. However, the people who live there had been liaising not only with their local member, Rob Kerin, but also with me for some months prior to the election.

Earlier this year, the ANZ Bank in Port Broughton decided to close its branch leaving the town without a banking institution. The ANZ indicated that the people of Port Broughton could bank at either Port Pirie or Kadina, both approximately 50 kilometres away. It might be all right to say that one can travel that distance without too much trouble, but country people are at sufficient disadvantage without having another impost put on them in relation to their banking facilities.

One could understand that the people of Port Broughton were irate that the bank would be closing. In fact, I pay tribute to the District Council of Barunga West which did everything in its power to convince the bank to remain open, at least in the interim so that further negotiations could be held. I, too, sought to do what I could, as did the member for the area, Rob Kerin. We met with representatives of the bank on 29 July but without success. It was clear that instructions had been given that the bank would close. One of the options I suggested was to allow the bank to remain open for another three or, perhaps, six months during which time further negotiations could be undertaken in an endeavour to increase the through-put of the bank. But that did not occur.

As a result, there was a public meeting at Port Broughton on 7 August when the town hall was packed to capacity. In fact, there was standing room only at that meeting when representatives from various financial institutions and the council attended. The net result was that representatives from the credit union decided to undertake a survey of the town to determine whether it was viable for a credit union to be established, in addition to the agency which already existed in the town, to allow people to transfer funds to the credit union.

The key word is 'transfer'. That is where the big problem is, with people happy to transfer their funds if they do not have to pay stamp duty if they want to renegotiate a loan with another financial institution. From a financial point of view, the easy way out is for people to stay with their existing bank even though they have to travel 50 kilometres to undertake their transactions. After the Government announced that it would introduce this legislation if it was returned to office, I had a call from the District Council of Barunga West asking whether it would apply to the transfer of funds from banks to credit unions. I checked with the Treasurer's Office and was advised that it would apply to the transfer of funds from banks to credit unions; in other words, it applies to financial institutions across the board. I was pleased to convey that information to the District Council of Barunga West.

The district council then held a subsequent meeting. It hopes that it will be able to continue to have a financial institution in the town and that people will have the opportunity to transfer their funds from the previous bank, which has now closed, across to another institution. I am very pleased that the Opposition has agreed to debate this legislation in this session so that we can have it through in time for 1 January, because this is an example of a problem occurring here and now, and I am sure there are other examples around the State. Unfortunately, it is highly likely that there will be additional examples in the years to come, whether we like it or not, because of the major changes occurring in the banking industry these days. The importance of a financial institution in rural towns cannot be over-emphasised, certainly in towns like Port Broughton, which continue to grow rather than to recede. I am pleased that the legislation is before us and trust that it will have a speedy passage through the House.

**Mr WILLIAMS (MacKillop):** I support the Bill. I would like to make several points. I noted with interest the speech of the member for Hart, particularly when he said that this measure should be available to other small business operators in rural towns. I agree with him. In fact, from my reading of the Bill, I believe that is the case. I believe that new section 81E does not preclude anyone because it refers to mortgages over property and does not define mortgages held only by primary producers. This amendment satisfies the problems that he alluded to in that regard. In rural towns we have been suffering for some time from the closure and scaling down of banking facilities. If a bank wants to move its branch out of a small town, by allowing an exemption for renegotiation of a mortgage with a competing bank, it makes it more difficult for that bank to take its customers with it to the nearest town.

For example, in the Riverland we have Berri, Barmera and Loxton in close proximity. If bank A has a branch in all three or any two of those towns and wishes to close one of those branches, at present it would expect many of its clients to go with it and bank in the branch in a nearby town. However, under this measure and through the exemption, people in, say, Berri, where bank A was considering closing down, could without any cost to themselves transfer their accounts to bank B. This places considerable pressure on bank A to retain its branch because there is no guarantee that its clients will stay with the bank if they had to transfer to, say, Renmark.

The member for Hart said that this matter should be considered seriously because of a reduction in revenue to the State. I point out that there would be no reduction in revenue to the State. The exemption applies only because a bank is closing in a town. If the bank was not closing, the people

would not have to transfer their accounts to a different bank and so would not be subject to stamp duty on the transfer of those accounts. I believe this is revenue neutral. It is designed to do two things: first, to take the burden off those people caught in small country and rural communities who are suffering bank closures and, secondly, to put pressure back on those banks and encourage them to stay in those communities.

**Mr CLARKE (Ross Smith):** I do not have any problems with clause 6, which deals with the refinancing of loans due to rural branch closures. That makes sense to me. As the member for MacKillop has pointed out, it may act as an incentive to a bank which might otherwise have closed its branch in a town to stay there if it knows that its clients could, without cost to themselves, simply shift their accounts to another branch. It could act as a disincentive and, as the shadow Minister for Regional Development, that has appeal for me and I particularly commend those local rural communities who are fed up to the back teeth with the closure of various services, including banking.

It will assist them to get together to try to bring whatever commercial pressure they can on institutions such as the various banks to force them to reconsider their decision to close their rural branches. I only wish them luck, and I hope the three Independents can convince the State Government to stop closing services and reducing its level of employment in regional centres throughout the State, like it has done recently with the finance section of SA Water. About 15 rural jobs have been lost from towns such as Berri, Mount Gambier, Port Lincoln and Crystal Brook. The work axed by SA Water could just as easily have been regionalised in another country centre outside of metropolitan Adelaide rather than transferring the work to Grenfell Street in Adelaide. That is a debate for another day, and I am sure the three new members on the other side, representing formerly safe Liberal seats, will make the Government think further than Gepps Cross, south of Darlington or over the Adelaide Hills.

I seek greater clarification from the Minister because my concern is with respect to clause 5 and the refinancing of primary producers' loans. I note from the second page of the second reading explanation (second paragraph) that the stamp duty exemption for rural debt refinancing operated between 30 May 1994 and 31 May 1996. During that time in excess of 100 refinancing arrangements were lodged with the State Taxation Office and considerable assistance was provided to applicants. My concern relates to the point made by the member for Hart: why is it that only primary producers get the refinancing advantage and not other members in local communities?

The point made by the member for Hart was not so much in respect of clause 6, that is, new section 81E, but section 81D of the principal Act, which provides only for primary producers refinancing their loans and obtaining the advantage of lower interest rates. If it is good enough for primary producers to be able to do it, all of the small business people in those local communities who have been hard hit by interest rate hikes in the early or late 1980s equally should be able to take advantage of the legislation and refinance loans, the same as primary producers. Indeed, why only primary producers or people in regional South Australia? Why not business people in metropolitan Adelaide who have locked themselves into 10 or 15-year interest rate payments of 15 per cent plus because they negotiated them in the latter part of the

1980s? Of course, there would be a significant financial cost to the State Treasury if that exemption were granted across the board. We can all understand that.

That then begs the question: why do we discriminate for a relatively handful of people—primary producers—to take advantage? As you see, in the space of two years, just on 100 primary producers sought to advantage themselves last time, and I would be very interested to know how much money that cost the State Treasury because it is not, as the member for McKillop pointed out in relation to the contribution of the member for Hart, money that State Treasury never had. That point is true with respect to branch closures in rural areas, but that is not true with respect to clause 5 of the Bill, which deals with granting exemptions for primary producers who are refinancing their loans.

If we are to do it, I do not mind helping a struggling cocky in terms of refinancing a loan, but I do worry a bit if this will help S. Kidman and Co or the McLachlan family, not because I have anything personally against them but I do not class them as struggling cockies who are refinancing their debt. They are in a position to make commercial decisions to lock into their loans. Why should they be able to take advantage, if you like, of making perhaps considerable savings on stamp duty compared with a small butcher in a small regional town who cannot seek to refinance his loan and get an exemption on stamp duty to help with his debt? It seems to me that this could apply with a great deal of inequity as between people in the same region or even the same local town.

With respect to the current Bill, no means test can be applied, and therefore I wonder just how much help it really does deliver to the rural community, given that in two years only 100 people took advantage of it last time around, and I also wonder about the cost to the State Treasury. Whilst I appreciate the fact that it might help a struggling primary producer, in one sense, if it cost the State Treasury, say, \$500 000—and I do not know whether that is feasible, but we will find out in the Committee stage—that is \$500 000 that could help the struggling regional communities in terms of better schools, hospitals, public housing, housing for police officers or whatever. I would be interested to hear from the Minister in more detail in that respect. It is something in which all members would have considerable interest, because we are simply saying, literally to a handful of South Australians who simply happen to be primary producers, they can get themselves an exemption from stamp duties that no other person in this State can avail themselves of, notwithstanding their financial position. I just wonder whether or not that could not be considered as very discriminatory. It is not based on need but just happens to be what class of business one happens to be in.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** In regard to what the member for Ross Smith and also the member for Hart have said about the reason why the exemptions on refinancing are provided only to primary producers, this started in 1993 as an election promise of the Liberal Party when the farmers had been doing it particularly hard for some time, and it was recognised that some relief should be given to them where interest rates had fallen and many of those farmers had loans with an interest rate in excess of 20 per cent. That is why it first came in. I understand that members opposite recognise that and have no argument with it.

*Mr Clarke interjecting:*

**The Hon. M.R. BUCKBY:** That is true, but the main difference between primary producers and small businesses usually is the amount of money involved. Most primary production loans are on high capital cost items or the purchase of land, both of which usually involve very high amounts of money—and I am talking about the hundreds of thousands of dollars. However, with small business often you are talking about loans of less than \$100 000.

**Mr Clarke:** It is all relative.

**The Hon. M.R. BUCKBY:** I recognise that. The other thing that is available to small business is they can get a lower interest rate than can farmers, because farmers are seen as a higher risk than are small businesses, particularly due to weather conditions, with drought and that type of thing. Secondly, more flexible loans are available to small businesses than are allowed to farmers when they are purchasing either land or equipment. Small business people have that bit more flexibility to structure their loans either over a shorter period of time or split into two or three different loans. Having been in the position of buying land myself, I know that you do not get that benefit: it ends up that there is one loan you will take out for a set period of time, and the bank views farmers—

*Mr Foley interjecting:*

**The Hon. M.R. BUCKBY:** I do not have any land now, so I do not have to worry about it. The bank is extremely hard on that situation, because it sees farmers as a high risk business in terms of loans. That is the reason why the exemption is only to primary producers and not to small businesses in the country.

With respect to the closure of branches, the member for Ross Smith has identified the situation. Let us say we have a BankSA and an ANZ Bank in a certain town; if the ANZ Bank closes, customers of the ANZ Bank can switch from the ANZ to BankSA in that town with no charge, because that is the last financial institution, but, if BankSA closes, this allows them to swap to the financial institution in the nearest town.

The member for Hart questioned whether we should include a limit of a certain number of kilometres in this clause of the Bill. I guess it is a matter of where you draw the line in the sand. How many kilometres is the right distance? It is always those who lie just outside the area that end up being a problem. It is a bit similar to the Young Farmers Scheme that we had at one stage which applied to people who were younger than 30 years. A number of people missed out because they were 31 years. It is where you draw the line in the sand.

I recognise the support of the Opposition for this Bill and thank it for that. I also thank all members for their contributions. I believe that the abolition of stamp duties on presentation of interstate cheques will be a big advantage for business in this State, along with the two other amendments to this Act, they being the continuation of exemptions for primary producers on restructuring of finance and the exemption of stamp duty for customers of banks where the bank closes within their town and there is either only one or no institution left in the town.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4.

**Mr FOLEY:** I assume that we have the opportunity to question most of these issues under this clause.

**The CHAIRMAN:** It would depend on what the questions were, but I presume that would be the case.

**Mr FOLEY:** Despite the debate trailing off a bit when the member for Mawson and one or two others were throwing a bit of politics around, it has been a useful exercise and, dare I say, perhaps a more constructive debate away from the microphone than that which was given by all of us. So, it has been a good process. I have some questions, though. In relation to the 10¢ per cheque waiver, what revenue will be foregone?

**The Hon. M.R. BUCKBY:** We will forego about \$600 000.

**Mr FOLEY:** I might reconsider my position. That is a fair whack. However, as we have already said, we will agree to that. Whilst we are questioning the quantum involved, what are the forward estimates regarding stamp duty relief for primary producers?

**The Hon. M.R. BUCKBY:** The forward estimates are that it would cost about \$100 000, in terms of just primary producers refinancing. If we extended that to the entire business sector, it would run into about \$5 million to \$6 million.

**Mr FOLEY:** Therein goes my view that we should extend these types of exemptions, because once you do that the numbers start increasing. However, having said that, I believe it is worth noting that there is a benefit being given to a narrow sector of the community, and I believe that the dangers of any taxation exemption—as the Minister, as an economist, I am sure would appreciate more than I—are that, once you have these distortions, a degree of unfairness is brought in—

*Mr Evans interjecting:*

**Mr FOLEY:** The member for Davenport was not here during the debate, which was conducted in a constructive manner. If he had been following the debate, he would have realised that—as all the debates are. I had better be a little careful about what I say or I will have this one read back to me during Question Time tomorrow.

*An honourable member interjecting:*

**Mr FOLEY:** No. I have a deal with the Speaker—only once. The issue is that \$100 000 worth of benefit is being given to primary producers. The other exemption was a two year exemption: is there a sunset clause in this case, or will it roll through to the next election?

**The Hon. M.R. BUCKBY:** No, there is not a sunset clause: it will be ongoing.

**Mr CLARKE:** There was a sunset clause last time, which expired in May 1996. If it was such a wonderful scheme, why did the Government at that time not roll it over in perpetuity, so to speak? The other point is that, regarding those 100 odd companies, or pastoralists, who gained the benefit last time around, has the Minister any idea of the break-up of how much it cost the Government in revenue and how many of those companies or primary producers saved X dollars, how many saved Y dollars, and so on down the scale? What I am interested in is how much of this benefit might go to some large primary producers who, in reality, may not need the relief. It is a nice added bonus but, in terms of helping the struggling cocky, it may in fact affect very few.

**The Hon. M.R. BUCKBY:** To answer the second question first, no, I do not have a breakdown of those figures but I remember that, when this policy was being discussed in our Party—I was sitting on the rural back bench committee at that stage—it was estimated that the large number of people who would benefit under this were West Coast

farmers who had significant problems and required refinancing. I do not have the figures with me to support that. However, I know that, when the audit on rural debt was undertaken, it showed that there was a band of about 30 per cent of farmers, I believe, who were at risk, and the majority of those fell into the category of farmers on the West Coast who were really struggling under particularly difficult circumstances. Will the honourable member repeat the first question?

**Mr CLARKE:** What was the spread of those who received relief: were they large primary producers? For example, did S. Kidman and Co. save X dollars and Fred Nerck, running a 1 000 acre property, save Y dollars?

**The Hon. M.R. BUCKBY:** I cannot give that sort of detail. The other part of the question related to the two year period, whereas in this case it is open-ended. It was set at a two year period because at that stage we had no idea how much it would cost the State in giving this exemption. So, it was deemed that it would be trialled over a two year period, a determination made as to how much the exemption had cost the State and an assessment made from there. Given that forward estimates show that this will cost us about \$100 000, the figure is not large, and that is why it is open-ended on this occasion.

**Mr FOLEY:** The—

**The CHAIRMAN:** Order! The member for Hart has spoken on this clause three times.

*Mr Foley interjecting:*

**The CHAIRMAN:** There is an opportunity for the member to speak three times only on one particular clause, and the member for Hart has spoken three times on clause 4.

**Mr FOLEY:** I apologise. I thought the way clause 4 was written it was taking in a number of clauses, on which the Chairman would have allowed further questioning.

**Mr CLARKE:** This may conclude it for me. Presumably, the Treasury would have the statistics as to what the scheme cost the State during the previous two years, the type of primary producers who were involved and how much was saved by each of those primary producers. I would appreciate it if the Minister could take it on notice to provide that information.

Whilst the Minister talks about the West Coast farmers—and it was seen as necessary last time around to help those people who were at risk and refinancing their loans—why is there no means test applied in this area? It is open-ended in the sense that it does not matter what size primary producer you are, whether or not you are a struggling cocky: you can get it at a cost to the taxpayer. I remember in the last Parliament trying to get agreement from the Government to improve the pay-outs to victims under criminal injuries compensation claims, which amounted to hardly a row of beans, in terms of dollars and cents. That was fought to the bitter end by the then Treasurer, who has now departed this Chamber, and I find it a bit rough that the Government can be cavalier about \$100 000 in this instance, without any means testing whatsoever. I do not mind helping the struggling farmer, but I do object to helping S. Kidman, the McLachlans of this world, and so forth, because they do not need it. I would rather help the struggling farmer. There is no means test applied, yet the Government is particularly lousy when I am trying to find extra money for legal aid services in my Kilburn region.

**The Hon. M.R. BUCKBY:** The Government does not apply means tests to any stamp duty exemptions. Again, it is a matter of where you draw the line in the sand. I recognise

the concerns of the member for Ross Smith. Regarding the honourable member's second point, I am advised that we can provide the total figure of how much it cost during those two years, and I will see whether we can provide a breakdown of that figure. I cannot guarantee whether that still exists, but I will seek to provide that information for the honourable member.

Clause passed.

Clause 5 passed.

Clause 6.

**Mr FOLEY:** This clause relates to rural bank branch closures. During my second reading speech, I indicated that the Opposition supports this Bill but that I had some concerns about the application of this clause. As I said, I understand that this clause may apply in respect of the electorates of the members for Giles, Stuart and Finnis where there are great distances between the communities. However, in terms of electorates such as yours, Mr Chairman, the Fleurieu, the Barossa and perhaps the electorate of the member for Davenport in the Hills where communities are much closer—I am not talking about distances such as from Cleve to Kimba but about three or four towns within perhaps 10 or 12 kilometres of each other—there has been some discussion behind the scenes, and this matter has been talked through with me by a number of the country members regarding how they will apply it. So, I am not as concerned about it as perhaps I was a short while ago. However, my question is: was any thought given to including in the legislation some sort of distance criteria in terms of the actual travelling time between country towns?

**The Hon. M.R. BUCKBY:** No thought was given to distance, but I cite as an example Mallala, which is in my electorate. The Westpac Bank, which was the only remaining financial institution in the town, closed its doors at the end of September. The nearest bank for the people of Mallala was at Balaklava, Hamley Bridge or Gawler, all of which are situated about 20 kilometres away. It must be recognised that there is no public transport in small country centres. So, that would be fine for those people who have a car, but those who do not, such as pensioners or younger people who wish to access banking facilities, are severely restricted in terms of where they can do their banking. That is perhaps one of the reasons why the distance in kilometres was not thought of in determining these amendments.

**Mr FOLEY:** In order to show that I can be persuaded somewhat by constructive debate with the Government, I think that is a fairly logical explanation and, in the light of that explanation and other contributions from members, I am prepared to accept that my earlier comments were perhaps a little harsh. I am coming around to the Government's argument, but I cannot help but think—and this is not intended as criticism of the Government—that we are forestalling the inevitable in the light of the rapid changes that are taking place in banking in this country and throughout the world in terms of electronic banking: the Internet, home banking, telephone banking and ATMs, etc. I do not want to see country banks or indeed metropolitan banks closed. There are now three fewer banks in my electorate than there were three years ago, with the loss of 70 or 80 jobs.

The fact is that banking technology is rapidly changing with the advent of the Internet and home banking. I suspect that that will be taxing the mind of the State Taxation Commissioner, as it would be the Federal Commissioner, in terms of how in the future we will accrue tax from Internet trading and banking. I suspect that one of the answers in rural

South Australia in the years to come is that before a bank closes it will give its client base a PC and say, 'We're closing down, but here's a computer, here's the program, this is how you use it, do your banking from home.' I suspect that is the way banking technology is headed.

In terms of the operating costs of a bank compared with the cost of doing what I have just suggested, in the far-flung parts of South Australia, no doubt that would be a much cheaper way to go, as indeed it is in the metropolitan area. Inevitably, we are fighting a losing battle. Notwithstanding that, I think the Government is right to look at ways of challenging that situation. So, I am prepared to accept that my earlier remarks were perhaps a little critical and that, on reflection, this proposal does contain some merit. As I said at the outset, the Opposition supports this Bill, and I think the debate has been useful.

Clause passed.

Clause 7.

**Mr CLARKE:** In answer to a question from the member for Hart the Minister said that the abolition of stamp duty on interstate cheques costs the State Treasury about \$600 000 a year. What has been the trend in the collection of stamp duty on interstate cheques over the past few years? Whilst South Australia might be the last State in which such a stamp duty applies, does the Treasury think that this \$600 000 will reduce even further to zero? If so, at what time will it reach zero? Even if this is the last State in Australia to have such a stamp duty, the loss of \$600 000 in an economy of our size is significant. When one thinks in terms of the amounts of money that local members are trying to get for community organisations—legal services, legal aid, criminal injuries compensation, and the whole gamut of Government business—the loss of \$600 000 is huge.

Again, I reflect on the battles that members on this side of the House and I had with the former Treasurer in terms of anything that cost the State Treasury as much as a brass razoo. Again, I reflect on the criminal injuries compensation legislation with which we dealt a year or so ago when a provision that would have cost the State Treasury significantly less for victims of crime was fought to the bitter end by the then Treasurer. We now have two measures costing \$600 000 just in the abolition of stamp duties.

**The Hon. M.R. BUCKBY:** I am advised that that amount of \$600 000 collected in stamp duty has been fairly stable. However, the big cost for business and small business is the actual collection cost. So, there will be a significant saving and advantage for businesses by their not having to collect 10¢ in stamp duty on interstate cheques.

**Mr CLARKE:** Given that the collection has been stable at \$600 000, I assume that the projections of the Treasury are basically about the same figure. I am trying to rationalise the savings to business. I do not know how many local delicatessens cash interstate cheques: I suspect there are not many. Banks, credit unions perhaps, and other financial institutions would be the main organisations where the payment of stamp duty on cheques is required and where the collection of it is time-consuming. However, I do not care about the problems of Westpac, the NAB and the ANZ because they seem to be doing quite well with their profits, but I am concerned about the erosion of \$600 000 from income to the State when that money could usefully be applied to many projects about which we often complain to the Government.

**The Hon. M.R. BUCKBY:** I note the member for Ross Smith's point, but perhaps he should remember that, of the manufacturing production and the vast amount of production

undertaken in this State, about 90 per cent is exported into other States. As a result of that, they are paying, by either electronic transfer or cheques, for those goods that we export into other States. Those cheques that are coming from interstate to businesses here are covered by this. As an example, I am not sure whether Michell wool merchants still bank in Queensland, but they did when I was still farming. All its cheques were from a bank in Brisbane. That meant that every farmer getting a cheque from Michell and Sons had to pay that 10¢ stamp duty. Certainly, that is only one business, but many other businesses operate accounts interstate. Dalgety's Bennett Farmers is another, which I know of through my farming experience: when we sold lambs or cattle we received an interstate cheque. We are trying to remove as many hurdles to the profitability and viability of business in South Australia as possible, so that we can say we are on an equal footing with other States in doing business interstate.

**Mr CLARKE:** Let us take the case of a primary producer who uses Dalgety or whatever. The number of interstate cheques they receive on which they have to pay stamp duty might be 10 or a dozen in a year. So, for the loss of State revenue of \$600 000 we are contributing to the viability of that business or farm \$1.20 or perhaps \$2 a year.

**The Hon. M.R. BUCKBY:** Yes, that is true for one farmer, but then we multiply that by the 10 000 farmers in this State—and that is only the farming community. I picked out that sector because it is one I know very well but, when we look at the companies supplying manufactured goods in the car industry to the Ford production plant in Victoria or elsewhere in Australia, we see that we are dealing not only with primary producers but also with other manufacturing businesses.

Clause passed.

Clause 8 and title passed.

Bill read a third time and passed.

### UNCLAIMED SUPERANNUATION BENEFITS BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 7, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** I move:

*That this Bill be now read a second time.*

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

Leave granted.

This Bill will provide the State with legislation complementary to that of the Commonwealth and similar to that either already introduced or being introduced by the other States, for the administration of unclaimed superannuation fund and approved deposit fund moneys.

The Bill will enable superannuation funds and approved deposit funds registered within South Australia to report and pay to the Treasurer unclaimed benefits held by the funds as at 30 June 1997. Without this arrangement, the unclaimed benefits would be payable to the Commonwealth Commissioner of Taxation.

The trustees must report member and benefit details to the Treasurer for the purposes of maintaining a superannuation unclaimed moneys register and paying subsequent claims.

The provisions of the Bill also provide for six monthly reporting and payment to the Treasurer by a trustee where the money of a member becomes unclaimed. The six monthly reporting timetable is standard for trustees in all States and Territories. The standard arrangements enable the superannuation industry to adopt a common

procedure in its dealings with the various jurisdictions in respect of unclaimed benefits and will facilitate compliance at a minimum cost.

The Bill will enable potential claimants to more easily identify their entitlements. Finally, this legislation demonstrates South Australia's commitment to working in co-operation with the other States and the Commonwealth to facilitate a national database on unclaimed superannuation benefits as a flow on from the individual State registers.

#### Explanation of Clauses

*Clause 1: Short title*

*Clause 2: Commencement*

Clauses 1 and 2 are formal.

*Clause 3: Interpretation*

Clause 3 defines terms used in the Bill. The Commonwealth Act requires unclaimed superannuation benefits to be paid to the Commissioner of Taxation unless a State law that meets the requirements of Part 22 of the Commonwealth Act requires that they be paid to an authority of the State. In order to meet the requirements of the Commonwealth Act it is important that terms used in the Bill match exactly terms used in the Commonwealth legislation.

*Clause 4: Application of Act*

Clause 4 sets out the circumstances in which the new Act will apply in South Australia. It is intended that this provision be uniform with the corresponding provisions in interstate legislation so that there is no overlap.

*Clause 5: Statement of unclaimed superannuation benefits*

Clause 5 provides for the trustee of a fund to give the Treasurer statements of unclaimed superannuation benefits in the fund.

*Clause 6: Payment of unclaimed superannuation benefits*

Clause 6 provides for payment of the amount of unpaid superannuation benefits to be made to the Treasurer for payment into the Consolidated Account.

*Clause 7: Treasurer to refund certain amounts*

Clause 7 requires the Treasurer to pay an unclaimed benefit paid to him or her under clause 6 if the person entitled to the benefit comes forward and claims it.

*Clause 8: Register of unclaimed superannuation benefits*

Clause 8 provides for a register of unclaimed superannuation benefits to be kept by the Treasurer.

*Clause 9: Discharge of liability*

Clause 9 discharges a trustee who pays unclaimed benefits to the Treasurer from further liability in relation to those benefits.

*Clause 10: Trustee not in breach of trust*

Clause 10 provides that a trustee acting in accordance with the new Act is not guilty of a breach of trust.

*Clause 11: Conflict with governing instrument of public sector scheme*

Clause 11 provides that where, in the case of public sector schemes, there is a conflict between the new Act and a provision of the Act or other instrument under which the scheme operates, compliance with the new Act will be taken to be compliance with the instrument governing the scheme.

**Mr FOLEY** secured the adjournment of the debate.

### STATUTES AMENDMENT (MINISTERS OF THE CROWN) BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 117.)

**Mr ATKINSON (Spence):** I cannot recall the Government Party during the recent election campaign canvassing an increase in the number of Ministers from 13 to 15 plus a paid parliamentary secretary. This is not a change for which the Government has an electoral mandate. The Opposition has many grounds on which to criticise the change, but we shall not be forcing the matter to a division, because we do not wish to delay the House nor hamper the Government's reforming zeal. The potential of these changes to result in public good rank with the then Premier's 1994 change of 'Ministers of' to 'Ministers for'. If the Government must tinker with ministries and departments we say, 'Let it.' The Bill restricts to 10 the number of Ministers who shall be members of the Executive Council. The current number is 13,

because all Ministers are members of the Executive Council. These 10 shall be paid at the current ministerial rate, namely, parliamentary salary plus 75 per cent. These 10 shall attend all Cabinet meetings, although Cabinet is not a notion known to the law of South Australia; at law, Cabinet is an informal gathering.

The five non Executive Council Ministers shall attend Cabinet only by invitation, and they shall be paid a parliamentary salary plus 41 per cent. These Ministers shall take the oath of allegiance and the oath of office but, because they are not members of Executive Council, they shall not take the oath of fidelity. I understand that ministerial solidarity and the keeping of confidences will be required by what the Attorney-General calls a 'side agreement' with the Premier rather than by an oath sworn to the sovereign. The Opposition would be interested in seeing a copy of these side agreements. We hope the non Executive Council Ministers' fidelity is to the State rather than to the person who happens to be Premier.

The Bill provides for a paid parliamentary secretary, who will be the current parliamentary secretary to the Premier for Multicultural and Ethnic Affairs, the Hon. J.F. Stefani. He will be paid a parliamentary salary plus 20 per cent. As yet the Government has been unable to supply the Opposition with a job description or job specification for the office of paid parliamentary secretary to the Premier for Multicultural and Ethnic Affairs. We suspect the real job description is 'attending functions and continuing to support the Premier in internal party ballots'. By clause 4 of the Bill the office of paid parliamentary secretary is deemed no longer to be an office of profit under the Crown for the purposes of the Constitution Act. Holding an office of profit such as a salaried Public Service position or a State pension disqualifies the holder from serving in Parliament. This has been so since about 1688—and for good reason. I shall have more to say about office of profit under the Crown later.

After the election but before the Bill was introduced, the State Government embarked on a huge reorganisation of the Public Service, the central point of which was the grouping of all departments under 10 chief executive officers. The Government claims this reorganisation will save \$8 million annually. Governments habitually reorganise Government departments, especially after a leadership change or a general election. The Opposition is sceptical of the claimed benefits of the reorganisation, but we do not intend to obstruct or delay the Government's policy on this matter.

The key point is that this reorganisation is not dependent on a change in the ministry. The Public Service reorganisation can go ahead without the ministerial and parliamentary secretary changes. Although the Government has claimed \$8 million in savings in its press releases, no attempt to itemise these savings has been made. In the debate the Government has not pretended that the savings are conditional on the ministerial reorganisation. By contrast with the Public Service saving of \$8 million annually, the ministerial reshuffle is claimed to save only \$5 annually.

I will explain how the fiver is saved. Ministers are paid a 75 per cent loading on their parliamentary salary, which gives the 13 Ministers an extra \$59 892. Thirteen times \$59 892 is \$778 596. Contrast this with the new remuneration. First, we have 10 Ministers on the 75 per cent loading. Ten times \$59 892 is \$598 920. The five non-Executive Council Ministers are paid a 41 per cent loading, so that is five times \$32 740, which equals \$163 700. The parliamentary secretary is paid a 20 per cent loading, which means \$15 971 for him. The total of these three salary bands is \$778 591—a saving

of one pink note with Parliament House on it. Like the Hon. M.J. Elliott, I am surprised that the conspirators behind the Bill did not resort to fractions of a per cent to divide the last \$5 between them. One can imagine the Deputy Premier with a calculator in hand at the very centre of this conclave.

The Opposition argues that the ministerial reshuffle will cost money when the two extra staff for the five Ministers are taken into account—a secretary and a research assistant each—plus expenses and travel allowances, access to the car pool, office equipment and telephones. The Hon. J.F. Stefani has enjoyed informal access to the car pool for the past four years, with one Government driver being referred to by his colleagues as 'Julian's driver'. The Opposition shall be vigilant. We shall be asking parliamentary questions about the \$8 million in savings and about claimed efficiencies in the ministerial reorganisation. The Opposition will persist with its shadow ministry of 13—unpaid and perk free, of course.

The history of Ministers in this State is that we had five at self Government in 1856. This grew to six in 1873 and remained at that number until 1953. To give the House the flavour of the ministries in that period, in 1890 the Ministers and Commissioners were: the Premier and Treasurer, the Chief Secretary, the Attorney-General, the Commissioner of Public Works, the Commissioner of Crown Lands and Immigration, and the Minister of Agriculture, Education and the Northern Territory.

*Mr Clarke interjecting:*

**Mr ATKINSON:** As the member for Ross Smith says, that is all we need now, without the Minister for the Northern Territory. In 1930 the ministry was: Premier, Treasurer and Minister of Education; Chief Secretary and Minister of Marine; Attorney-General, Minister of Railways and Local Government; Commissioner of Crown Lands and Minister of Mines; Commissioner of Public Works, Minister of Industry, Minister of Labour and Employment; and Minister of Agriculture, Immigration, Repatriation and Irrigation and Commissioner of Forest Lands.

The number of Ministers was increased to eight in 1953, nine in 1965, 10 in 1970, 11 in 1973, 12 in 1975 and 13 in 1978 for John Bannon. The last increase was opposed by the Leader of the Opposition, Mr Tonkin, as he then was, and the entire parliamentary Liberal Party. When speaking to the Bill to increase the number of Ministers from eight to nine in 1965, the Hon. A.J. Shard told the other place:

Members will be aware of the increase in Government activities during recent years and the consequent increase in the responsibilities of Ministers.

One cannot say the same for our own time. The Bannon, Arnold, Brown and Olsen Governments have made thousands of public servants redundant in the course of reducing the size of the State Government. The previous Government outsourced or privatised the management of water, sewerage, computers and buses. Electricity is next. In the biggest State department of all—education—the number of children enrolled in State schools decreases while the number enrolled in Commonwealth-funded Catholic schools increases. Why would we increase the number of Ministers when they govern less? I must be blunt about the real reason for the increase of two in the number of paid Ministers.

*Mr Clarke interjecting:*

**Mr ATKINSON:** No, I shall not, and I am glad the member for Stuart is here. Four of the State's 13 Ministers were unavailable after the general election, two of them owing to defeat at the polls. They were: the Hon. S.J. Baker, retired; the Hon. D.S. Baker, defeated; the Hon. D.C. Wotton,



asked to step down; and, the Hon. E.S. Ashenden, defeated. This left nine Ministers. Competition was fierce for the four slots available. The election had unexpectedly left the Premier and his Liberal Party as a minority Government. From a majority of 25 the Government the Premier led is down to a minority and is governing only with the consent of two independent Liberals and a National Party member. There was and is much pressure on the Premier to resign and allow another member of his Party to form a Government. In a Liberal Government, the Premier chooses all the Ministers and parliamentary secretaries. Unlike the Labor Party, there is no ballot for vacancies. One's prospects of preferment rest with the Leader and, for many Government backbenchers, their prospect of a salary increase by holding the office of Minister or parliamentary secretary may be improved only by a change of Leader or by an increase in the number of offices. The Premier has decided to do the latter in an attempt to avoid the former. The Premier had only four ministerial vacancies if he stuck with a ministry of 13, but he had seven Assembly backbenchers wanting to be Ministers, one of whom was threatening to resign from Parliament if he was not made a Minister.

**Mr Brindal:** You can't say that.

**Mr ATKINSON:** Well, I just said it, for the information of the member for Unley.

**Mr BRINDAL:** I rise on a point of order, Sir. It is wrong to ascribe improper motives to another member of this House. I put to you that the honourable member has just done so and should be ruled out of order.

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

**Mr ATKINSON:** A wise ruling, Sir. It is splendid to see you in the Chair. We had seven Assembly backbenchers wanting to be Ministers and two members of another place wanting preferment. By increasing the number of Ministers to 15 and a paid parliamentary secretary the Premier could satisfy seven of the nine instead of four of the nine. That is why the Bill is before us.

Granting members of Parliament a payment from consolidated revenue in return for their votes for the Government on the floor of the House and for the Premier in the Party room is a time-honoured political device. The first book I borrowed from the Parliamentary Library after becoming a member late in 1989—

**Mr Brindal:** Machiavelli's *The Prince*.

**Mr ATKINSON:** No, I had read that in university.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr ATKINSON:** I read a great deal of Karl Marx because I was enrolled in two units of modern revolutions in my history course and was taught by Communists. The first book I read after becoming a member of Parliament was *The Cavalier Parliament and the Reconstruction of the Old Regime, 1661-1667*. The author, Mr Paul Seaward, describes the efforts of Sir Henry Bennet, later Lord Arlington, to obtain the numbers in the House of Commons for the policies of the Government of His Majesty, Charles II, in particular, numbers for the grant of supply to the Government. At page 91 the author writes:

... by 1667 the use of office and reward to secure the votes and attendance of MPs was a subject of grievance and satire; and in the years after Clarendon's exile, the increasing sophistication—or brazenness—in parliamentary organisation achieved by Bennet, then by the Earl of Danby, the cavalier Parliament became a by-word for political jobbing and corruption.

It was to prevent Government's offering pensions and sinecures to serving members of Parliament in return for votes that after 1688 the Parliament introduced a ban on MPs holding an office of profit under the Crown. Ministerial office was, of course, exempted from the ban. But in a Parliament as small as South Australia's, a small increase in the number of Ministers and the creation of paid parliamentary secretaries will soon lead to the loss of even the pretence of parliamentary control of the Executive. I was interested to read in Erskine May—

*Mr Brindal interjecting:*

**Mr ATKINSON:** The Opposition will make best endeavours to scrutinise the Government in Parliament but, in a situation where the number of Ministers and paid parliamentary secretaries has become sufficiently great, the Opposition does not have much scope, does it?

*Mr Brindal interjecting:*

**The DEPUTY SPEAKER:** Order! The member for Unley can participate in the debate if he wishes.

**Mr Brindal:** I am.

**The DEPUTY SPEAKER:** At the appropriate time.

**Mr ATKINSON:** As I read in Erskine May today, the House of Commons has a rule that there will be not more than 95 holders of ministerial office who may be permitted to sit and vote in the House of Commons at any one time. There is a rule which limits to a few of them (one in six) the number of office holders in Parliament at any one time—a very sensible rule. Under the Bill before us, we see the number of office holders going to 11 out of 47 in the House of Assembly and to five out of 22 in the Legislative Council—a much greater proportion.

What is there but Parliament and constitutional principle to stop a Premier creating 23 ministries and paid parliamentary secretary positions in the Assembly? I think that more than answers the member for Unley's point. At that point, the Opposition would have no scope to fulfil its constitutional role.

*Mr Brindal interjecting:*

**Mr ATKINSON:** The member for Unley is right that the Liberal Party could create 23 ministries or paid parliamentary secretary positions in the Assembly by bringing legislation into this House, but I think it would be opposed by the Opposition and the Independents unless they were the object of the largesse. This is why we should scrutinise most jealously any increase in the number of ministries and the creation of paid parliamentary secretary positions. An effective working Parliament depends on it.

To prevent sordid outcomes, such as the Liberal Party room ballot for Speaker on Monday 1 December, section 45 of our Constitution prohibits members of Parliament, with the exception of Ministers, from accepting any office of profit or pension from the Crown. Now, we are introducing the new exception of paid parliamentary secretaries. We ought to be most careful. Parliament's traditional function is already sufficiently undermined by Party Government through the Executive without introducing the means for the Executive to buy off the Party room.

I have been surprised by the Government's answers to some of the questions the Opposition has asked about this proposal. I had thought the creation of junior Ministers might help Cabinet Ministers by removing the burden of ministerial correspondence with constituents from the latter. One of the aims of the 1987 ministerial reorganisation by the Hawke Federal Government was precisely to relieve the burden of clinical correspondence on Cabinet Ministers, leaving them

to deal with policy. But, no, in the Premier's reorganisation correspondence is to remain with the Cabinet Minister and his or her office—which I must say surprises me. Are the new junior Ministers to help their senior colleagues by mastering some of the Question Time briefs and answering questions without notice in Parliament. I notice the members for Unley and Davenport have moved from the backbench to the frontbench like so many rats up a drainpipe. However, the answers to the Opposition queries on these matters have been contradictory. We do not know whether these five new Ministers will answer parliamentary questions. In the case of member for Unley, we very much look forward to it.

Referring to the status of the new Ministers, the Attorney-General said—and I presume here he was referring to the member for Davenport:

... and the non-Cabinet Minister is in fact dealing with those areas which are not, in a sense, central agencies of Government: police, corrections and emergency services.

I would have thought that these three portfolios, especially the first two, would have been on any short list of the central functions of Government. The Bill has become especially topical owing to the release of the Auditor-General's Report last week. In his report, the Auditor-General writes:

At a minimum, in my respectful opinion, members of Parliament who are parliamentary secretaries should absent themselves, or declare conflicts of interest, when parliamentary committees, such as the Estimates Committee, examine matters in respect of which the member has a direct interest as a consequence of his/her role as a parliamentary secretary.

The first paid parliamentary secretary, the Hon. J.F. Stefani, will not be on an Estimates Committee because, of course, he is not a member of the people's House, but he has been returned to the Statutory Authorities Review Committee. How rigorous does the House think the Hon. J.F. Stefani's scrutiny of statutory authorities will be on the Standing Committee while he serves the Premier in an office of profit under the Crown? How would the Hon. J.F. Stefani handle a standing committee review of the Office of Multicultural and International Affairs?

It is no use to reply that Ministers are commonly chairmen of select committees because the standing committees are quite different and always have been quite different. Members of Parliament who hold offices of profit under the Crown have not hitherto been members of these committees.

In summary, the Opposition is wary of the increase in the offices of profit under the Crown available to MPs in our small Parliament. We think it is being done for the wrong reasons. We have questions about the side agreements between the non-Executive Council Ministers and the Premier, about the perks of office, about the new Ministers' availability to answer parliamentary questions, and about the real savings to be made. In Government, I expect Labor to revert to a 13 member Cabinet or even fewer Ministers with no parliamentary secretaries and no distinctions in rank between Ministers. Having said that, we will not obstruct the Government in its enthusiastic reorganisation.

**The Hon. M.D. RANN (Leader of the Opposition):** I would like to follow the member for Spence's erudite explanation of the constitutional problems by saying that this is the first Bill since the election which the Government has presented to this Parliament on the issue of jobs but, instead of being about jobs for South Australians, it is about jobs for politicians; it is about rewarding a couple of members of Parliament for factional loyalty; and it is about rewarding

another for her disloyalty to the former Premier, for betraying her best friend of 30 years, and for that act of treachery she was on a promise for a position in the ministry.

The deal was—and it was explained behind the scenes a year or so ago—that no-one could actually stomach such a blatant pay-off until after a general election when it did not look too obvious that it was, in fact, a bit of political payola. It is a simple case of 30 pieces of silver, one piece of silver for every year that she knew Dean Brown and was loyal to him.

This is a Government that has smashed up the Public Service—more than 10 000 jobs gone—and reduced the number of Government departments, but apparently this Government's ideological commitment to reducing red tape, to reducing the size of Government, does not apply to its own members of Parliament. The Premier obviously has not learned from an election result in which tens of thousands of decent South Australians on 11 October were crying out, 'What about us? What about our children's jobs, not jobs and perks and privileges for members of Parliament?'

The Government has tried to dress this up as 'a bold and innovative move'. In fact, in another place, the Government said that it intended to create opportunities for better whole-of-Government integration and a more effective and unified service delivery. It also said that the appointment of 10 Cabinet Ministers, five Ministers and one parliamentary secretary, instead of the traditional 13 Cabinet Ministers, would be at no additional cost to the taxpayer. The member for Spence has already dealt with that: it is not true. These kiddie Ministers each get a 42 per cent pay rise of \$32 000 a year, and the hapless Julian Stefani as parliamentary secretary will receive a 20 per cent pay rise.

It is interesting that already Public Service chiefs are having a quiet chuckle about this new arrangement. Apparently, it has come down from one or two of the Ministers to be, who have been sizing up offices, and talking about cars, their perks and facilities, that they must not, at any cost, be referred to in front of themselves as junior Ministers. Evidently, public servants have been told that, when they are in the room and are briefing the new Ministers, they have to make them believe that they are real Ministers, not Clayton's Ministers. Apparently, the Public Service people are saying, 'They are not really real Ministers because they do not sit in Cabinet and they are not even to be trusted with answering the mail.' That is how distinguished a political office it is. It is simply about a buy-off of support. I would never suggest regarding honourable members opposite, in terms of their relationship with the Premier, that their vote could be bought, but it is quite clear that it can be rented, and that is what we are seeing here today.

This Bill contains absolutely no detail about how many offices, extra staff, cars, perks or travel expenses will be applied, particularly in the case of Julian Stefani. I feel a bit sorry for Julian. He is always not really the bridesmaid but the flower girl in terms of never being given the position that he has wanted. But he goes to lots of functions, and one of his principal roles, apart from meddling in the internal political affairs of ethnic groups, is to threaten ethnic groups not to allow the Leader of the Opposition to speak at functions in case he upstages the Premier of the day. He has even gone so far as telling people that they will not be considered well for grants and so on, and various communities have rung me and asked, 'What will we do about this?' I have always laughed and said, 'Put the ethnic group first, because we want to achieve and support multiculturalism.' Does this not tell you

something about this Government and about how grubby it can get? Of course, we are seeing a 20 per cent pay increase for Julian to at least make him feel he has something going for him, even if he is not quite up to being a kiddie Minister.

In trying to come to grips with these trappings of ministerial substance, the issue of cars is vitally important. This is always important when the Liberals talk about the task ahead of them, because it is true to say that Julian Stefani does not have a permanent car. Indeed, the new kiddie or junior Ministers will not get permanent cars but they will have, as Julian Stefani has, temporary cars permanently available to them, which is obviously something quite different. This has been a central point of argument in their negotiations in terms of jacking up and cantilevering some support for a Premier. This is the only way that he knows he can survive beyond Anzac Day, because that is the target people are talking about—the middle of the year or perhaps a little later—and he has to cantilever support by paying off people for their loyalty and disloyalty.

Let us ask the Minister what these junior Ministers will do. We know that they are not allowed to answer the mail; we know that they cannot be trusted to sit in the Cabinet room; but will they be answering questions in Question Time? If they go ahead with this rort, will the member for Coles be available to answer questions about employment on a daily basis? Will she be involved in the Estimates Committees? I understand that the Hon. Mr Stefani, who is getting a 20 per cent pay increase, has always refused to answer questions on multicultural and ethnic affairs when they have been asked of him in the Upper House. This is this open Government having more Ministers, yet it is the same Government which, during the election campaign, gagged its existing Ministers, who were not even trusted to speak out openly on their own portfolio areas. Since the election it has now put in place some apparatus, a new press pool arrangement concerning Ministers.

I understand that the Minister for Government Enterprises now in the House was recently telephoned by an ABC journalist—quite a respectable and proper thing to do. They interviewed the Minister about issues concerning his portfolio—and I understand he handled it with some aplomb on this particular day—but then the journalist at the ABC was phoned by someone from the press pool saying that they did not have permission from the press pool to ring the Minister. Not only that, not only did they counsel the Minister's staff, but they put in a formal complaint to the Australian Broadcasting Commission about this breach of the arrangement. If the present Premier does not trust his Cabinet Ministers, the ones actually in the pool at the moment, how is he ever going to trust these half Ministers, junior Ministers or whatever they will be known as behind their backs?

The member for Spence certainly pointed out that this proposal is constitutionally bad, but there are also other issues that need to be addressed. Junior Ministers will not be required to take the oath of fidelity. That is interesting. It is an important oath that Ministers take when they are sworn in at Government House by His Excellency. They take the oath of fidelity, which is the Executive Council oath and is about Cabinet solidarity and about recognising the confidence of Executive Council. This means that, if you are given information about tax rises the following week, you do not go out and buy up petrol, sell shares or what have you. They do not have to take that oath of fidelity. Their Cabinet solidarity now rests on private agreements with the Premier. We know what those private agreements will be about.

Already we have heard that the Auditor-General has raised questions about the need for a code of conduct for all MPs dealing with conflict of interest. He has pointed out the potential for conflict of interest for parliamentary secretaries. We have already seen an example where one parliamentary secretary for recreation and sport was also on the Public Works Committee dealing with recreation and sport matters as well as being intimately involved with the sporting organisation that was to benefit. That is the sort of thing that the Auditor-General was pointing out that we have to guard against, and that is why these Ministers, if they are real Ministers at all, can be regarded as real Ministers only if they take the oath of fidelity, which makes them accountable not only to the Executive arm of Government and to His Excellency but also to this Parliament.

There is a real problem in what this House is doing today in terms of the potential for conflicts of interest and the potential problems with accountability and also, of course, for those lines of authority. Whose butt is on the line? Is it going to be the junior Minister or the Cabinet Minister? Where do the lines cross? One permanent head issued something in his department two or three weeks after the election saying, 'We do not yet know who our Minister is.' That is the kind of chaos being caused, as well as the morale problems that are currently confronting this Government.

This could not happen anywhere else in Australia. The issues raised by the Auditor-General have not been addressed in this legislation. Obviously, the Auditor-General has just reported and the Government claims that it did not actually see an advance copy of his report. Other people are telling me otherwise, but the fact is that, surely, with the Auditor-General's Report clearly recommending against the sorts of things we are doing today, where we mix up the Executive arm with the Legislative arm of Government, we should put this on hold if the Government is fair dinkum and confident of its future to a stage where the Auditor-General could be consulted about legislation which addresses conflict of interest and code of conduct issues.

Certainly, I am concerned about the nature of the people being appointed to these new phoney Minister positions. When we look at their reputations, we see that they have been given these positions on a reputation of leaking, intrigue and disloyalty. In the case of one of them, we have to decide whether that person is telling the truth or whether the Police Commissioner is; we have another one who got his family to dress up with Independent T shirts on polling day—

*Members interjecting:*

**The Hon. M.D. RANN:** I have not referred to the member for Unley yet; I was just getting to him.

**Mr BRINDAL:** On a point of order, Sir, and before the honourable Leader does, I point out Standing Order 127, which provides that a member may not make personal reflections on any other member, and for the last five minutes that is all the Leader seems to have done.

**The DEPUTY SPEAKER:** I accept the point of order and ask the Leader of the Opposition to take that into account.

**The Hon. M.D. RANN:** I was trying in the new spirit of consensus which I have embraced since the election to try to be statesmanlike and not tell the whole truth about members opposite—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. M.D. RANN:** —because that would probably keep us here too long. The fact is that we have a Premier who has no confidence in himself to lead. What he is having to do

is go out there and buy support by offering positions to ensure that he continues as Premier at least beyond Anzac Day. We have already heard that he will talk about Bills of special importance. Hopefully, there will be one this week where he is prepared to fall on his sword and vote and support a no-confidence motion in himself.

Quite frankly, how can the business community, how can the people of South Australia, how can investors interstate or overseas have confidence in this Government led by a Premier who does not have confidence in himself and who has to buy support by bodging up these kiddie Minister positions. My appeal to the Government is simply this: talk to the Auditor-General and take on his recommendations so that we can have probity and accountability, and avoid the conflicts of interest that he identifies in his latest report which directly relate to several of the people who are being appointed here in the next few weeks.

**The DEPUTY SPEAKER:** The member for Ross Smith.  
*Mr Brindal interjecting:*

**Mr CLARKE (Ross Smith):** Actually, I have been waiting for a member of the Government to rise to their feet in support of this legislation. I will not canvass the points so very adequately covered by the member for Spence and the Leader, but I want to draw to the attention of the House the way in which, with this Bill before us, the Government has reduced Parliament, as far as the governing Party is concerned, and everyone gets a prize.

There are 23 members of the Liberal Party in the House of Assembly, seven of whom are appointed as super Cabinet Ministers, or words to that effect. Four of the House of Assembly members are the also-ran Ministers, the pygmies of the lot or, as the Leader so adequately described them, kiddie Ministers. I prefer 'pygmies' as a description. There is also a Speaker—only one, Sir, although several sought that position. I am surprised the way things turned out in the Liberal Party that we did not find ourselves with two, three or even more Speakers, if that were necessary to buy support for the current Premier.

We have one Deputy Speaker, namely your good self, Sir, with two chairmen of committees, positions that include the provision of a white car. There is also one chair of a committee, the Public Works Committee, who is not provided with a car, although he may follow the precedent of a former chairman of the Public Works Committee, namely the former member for Wright who lost his seat at the last election, who seemed to have had a white car at his disposal just about every day he needed it.

*Mr Brindal interjecting:*

**Mr CLARKE:** Yes, my car certainly did get a lot of use. I had a lot of shadow Ministers using it, without a shadow of a doubt. There is also one Government Whip. In total, that comes to 17 out of 23. But, not content with awarding a prize to 17 out of 23, we find that the member for Waite has a paid position on the Economic and Finance Committee, whilst the member for Fisher is not only on the Economic and Finance Committee but also on the Social Development Committee—two paid committees. That is not a bad consolation prize. I am not sure what the loading is for the Deputy Speaker: I think it is about 20 per cent, so he has ended up with—

**Mr Atkinson:** No, 37 per cent, I think.

**Mr CLARKE:** Anyway, that is 24 per cent he has received, but without a car. The Government Whip not only gets the loading for that position but also is on the Legislative Review Committee. Then the member for Hartley is on one,

and the member for Hammond is also on one, with the poor member for Flinders on the Occupational Health and Safety Committee—the only one in an unpaid committee position. It is conceivable that the member for Flinders might not have sought a paid parliamentary committee position, but 22 of the 23 Liberal members of Parliament not only have their trotters in the trough but have submerged their entire body into that trough with only their snouts appearing, and I suspect they have a spare set of aqualungs available to see whether they can really plumb the depths of the trough in terms of the perks of office.

That is all based, as the Leader has quite rightly pointed out, on shoring up the Premier. It is a ridiculous notion that, in a State of 1.5 million people, with ever increasing powers going across to the Commonwealth, including more revenue raising measures as a result of a recent High Court decision, we now have 15 Ministers, including the pygmy Ministers, who will all assert themselves to be almost equal to, if not equal to, the seven super Ministers in this area. That is at a time, as I said, of reducing importance of State Parliaments over time—regrettably, from my point of view, but it has happened—with the loss of financial influence for the State, and an increasing number of State public sector employees who have lost their jobs.

Is it not a joke that, whilst witnessing 15 000 full-time equivalent State public servants losing their jobs over the last four years, a State Premier committed to smaller government and to greater levels of austerity should invent an additional two Ministers, plus a parliamentary secretary? The last time this was tried was when the former Premier created 16 parliamentary secretary positions. I think we all remember when the former Premier, the now Minister for Human Services, in an effort to shore up his leadership, created 16 parliamentary secretary positions. There were more lance corporals in the former Premier's battalion than Idi Amin had in the Ugandan army. That shows you the level—

**An honourable member:** Did it work, though?

**Mr CLARKE:** And it did not work. The lance corporals all turned their bayonets on their field marshal and proceeded to turn him into a pin cushion. That is an absolute joke. The Liberal Party treats this Parliament and the citizens of this State as an absolute joke. First, 16 parliamentary secretaries, who were not allowed to answer questions and who, indeed, asked questions of their Ministers about the running of those portfolios when the parliamentary secretaries were supposed to know what was going on in those portfolios because they were the parliamentary secretaries. And we find that the Hon. Julian Stefani has been made parliamentary secretary for Multicultural and Ethnic Affairs, which creates a 20 per cent loading for him. I might add, he is also on a parliamentary committee: so, there is a 10 per cent loading.

**An honourable member:** You're joking!

**Mr CLARKE:** No, it is true. In the Legislative Council—the trough can never get too big, or deeper; it is an impossibility—they strap on the aqualung and plummet to the absolute depths and never seem to find them, because they keep bringing on more parliamentary committees for themselves to ensure that everyone gets a prize—and there are a number of other Legislative Councillors on the Liberal Party side who sit on more than one paid parliamentary committee. The Bill before us shows that the Governor may appoint a member of Parliament as the parliamentary secretary to the Premier but there is no limit to the number of parliamentary secretaries that the Premier may appoint. They

would all get a 20 per cent loading, as long as it was a parliamentary secretary appointed to the Premier.

So, if this Bill had been an Act of Parliament at the time that the former Premier was in office, there would have been 16 lance corporals all dragging down an extra 20 per cent, not being required to answer questions or being held accountable for their actions. It is a nonsense for members opposite to suggest that this is a cost-neutral exercise, because no matter how you split up the dollars and cents, as the Leader and the member for Spence have adequately pointed out, each of them will be seized with their own sense of self-importance: they will all want not only their own offices, secretaries, personal assistants and all the trappings of office that go with it which will escalate the Bill considerably but they will seek to bury those costs among the general operating costs of a Minister's office.

I would almost vote for this measure if I could be guaranteed that the pygmy Ministers would be required to answer questions in this House. If I thought that the member for Unley and the member for Coles, in particular, would be required to answer questions in this House as to the conduct of their business, I would almost be tempted to vote for the measure, because I would be particularly interested in having the member for Coles answer questions in this Parliament rather than have her do her business in the corridors of this place in determining who will be Premier or Deputy Premier, or such like, of this State.

**An honourable member:** Speaker.

**Mr CLARKE:** Or Speaker, indeed. The member for Spence quite rightly pointed out, in terms of going as far back as the middle 1600s, why government should be prevented from offering pensions and sinecures to serving members of Parliament—because it would encourage corruption within the parliamentary process and make the Executive of the Parliament immune from Parliament's control, as too many members would be beholden to the Executive, in terms of their own sinecures, and the Parliament as a whole could never hold the Executive accountable.

We have a recent illustration of these types of corrupting influences in the Liberal Party's handling of the election of Speaker. This is a matter which is traditionally left to the House—or, at least, the Government Party room, rather than Cabinet. However, by use of Cabinet solidarity, a candidate—namely, the member for Stuart, who was universally regarded as not the preferred candidate by members opposite—was able, by intimating that perhaps it might not do the Government well to have an unnecessary by-election in the seat of Stuart if that person was not found to get the Government's support for the position of Speaker, to gain overwhelming support from members opposite in the Party room—although ultimately it did not prevail here in the House, for other reasons.

**Mr Atkinson:** Through a Cabinet lock-in.

**Mr CLARKE:** As a result of a Cabinet lock-in. That is the type of process we must guard against, and guard against well. With the list of all the paid sinecures that I have already laid down for the House, the fact of the matter is that 22 out of 23 members on the Government side are absolutely locked into supporting the Premier and the super ministry, so-called, because they are all beholden to those persons either to remain as Ministers, pygmy Ministers or paid committee positions—not just once, on some occasions, but twice.

For all of those reasons, I join the member for Spence in opposing this Bill. I know it is the right of the Government

to organise things as it sees fit but I choke on the sheer vulgarity of the greed and avarice of members opposite.

**Mr MEIER** secured the adjournment of the debate.

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

#### ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 4 December. Page 116.)

**Mr WRIGHT (Lee):** The first thing that I would like to do on this auspicious occasion is thank all the people who supported me in the electorate of Lee. I am proud and honoured to be their State member of Parliament for the district of Lee. I look forward to representing and working cooperatively with our local community. Irrespective of the way in which people voted in the October election, they will be given a fair go. I see my role as one of providing representation and some leadership to our community. Representation includes: listening, being accessible, staying in touch, understanding the people you represent, getting to know the local issues, knowing your electorate, reflecting the views of the local community, providing a line of communication, helping to solve the problems of people and the district, and working with people for the people.

I would like to take this opportunity to acknowledge and congratulate the Government on its return to office. I congratulate the Leader of the Opposition, and I welcome my colleagues who have joined me in the House for the first time. The Government suffered a massive swing against it. The loss of 13 electorates is, in part, a reflection of not providing the representation of which I spoke earlier. The Government divorced itself from real people in the community—and quite rightly the Government paid the penalty. Let me cite one example of hundreds of examples of this type of behaviour. The Government bulldozed Tenterden House in our area. Tenterden House, which was built in the 1850s, was one of the oldest colonial mansions in Adelaide. Despite overwhelming community support for its preservation, on 9 May 1996 the Liberals smashed it to the ground. This behaviour was an example of arrogance and government at its worst.

Great credit needs to be given to the Leader of the Opposition. For 3¼ years, the Hon. Mike Rann has worked tirelessly as the Leader of the Opposition. He has gone out into the community, and he has held meetings with the community. He has done all the things that good government is about: meeting the people, and going out to the people. He led a brilliant campaign, which was climaxed by the total wipe-out of the Premier in the so-called great debate. That debate showed how the Premier had simply taken the people of South Australia for granted.

The Leader of the Opposition inherited a Party in shock, a Party with 11 parliamentary members. What a difference one election can make. On the other hand, the Premier has now faced the people of South Australia on three occasions as Leader of his parliamentary Party. In 1985, he lost; in 1989, he lost; and in 1997, he lost 13 electorates. I think the people of South Australia are trying hard to communicate a message to the Premier. Time will tell us about the listening skills of the Liberal Party Caucus. There are 14 newly-elected members in the House of Assembly: 10 Labor, two Independ-

ent, one National Party, and one Liberal. I wish all new members the very best in their parliamentary career.

I am particularly delighted that the Labor Party is responsible for a number of women entering this Parliament. I speak of the members for Florey, Giles, Hanson, Norwood, Reynell and Wright. The Labor Party has always been the Party of great reform. It should be no surprise to anyone that it is the Labor Party that has made sure that more women become South Australian legislators. Our electorate of Lee is named after Mary Lee, the Secretary of the Women's Suffrage League. She directed the campaign for public acceptance of women's suffrage until it was accepted in 1894. If only she could be here tonight: she would like the look of this side of the Chamber; she would be proud of the quality and diversity of members. No other Parliament in Australia has such a realistic representation of the community.

I turn now to a number of issues that affect the people of Lee, South Australia and the nation. I spoke earlier of leadership. Leadership is one of the most important roles that we must provide for our local communities. Leadership is about taking a position, explaining that position, bringing people together, showing direction, and breaking new ground. If you look to Canberra, you see that all these qualities are missing from the Coalition leadership. Australia's Prime Minister is incapable of bringing together the nation. We have a Prime Minister in a position that is more demanding than his leadership skills can cope with. The Hon. John Howard is very much a follower not a leader. His lack of leadership is all about us. To list those areas would take all this evening and much more, but let me refer to just a few examples. When a Queensland Independent began her outrageous behaviour in respect of racial issues, the Howard voice remained silent for month after month. When the disgraceful stolen children generation was revealed, a stirring comment arose on 9 November this year:

It is essential that hopes for true reconciliation are kept alive. If they are not, I weep for our country.

These were not the words of the Prime Minister, the elected Leader, but of the Governor-General, Sir William Deane.

Regarding the republic and, sadly, the most divisive of all issues, the Wik legislation, the Prime Minister has constantly failed to lead. How sad it is that we have a Prime Minister who could not say 'No' on race; apologise for the stolen children generation; hold a referendum about Australia becoming a republic; and bring all parts of the community together, not just mining and farming interests, on native title extinguishment. Leadership must also be about the future, about setting an agenda and working together with the community, about shared goals, aspirations and ideals, and about where we want to head together as a nation.

Our biggest challenge is job creation, job security and purpose in work. This is a basic human need. It should be the task of a civilised community to build these aspirations into a basic human right. Many modern constitutions express such rights. However, just as the great Industrial Revolution of the late nineteenth century caused major dislocation of people's working lives, so, too, is the technological revolution of the late twentieth century causing a major transformation in the world of work. Our society has been built on many of the mistakes and lessons learnt from that earlier experience. We know that to avoid the suffering, exploitation and political conflict that can be caused by unbridled economics we must have strong social institutions.

We must have governments committed first and foremost to the well-being of the people. We must have governments which respect the need for a true balance of all interests, not governments which seek to build societies based on the principle of all against all. Social cohesion and unity of purpose can be achieved only if people are able to manage their working relationships within a legal framework which respects the rights of the citizens and their public associations. It is to the great credit of the industrial labour movement that our people enjoy many important industrial rights and protections. Some would have it the other way, and it is one of the things that divides this House.

An ideology of industrial conflict is in conflict with the needs of an economy on the verge of the twenty-first century. Not only is the encouragement of industrial conflict immoral in itself; it is also counterproductive to the interests of the whole of society. Strong democracy, the guarantee of citizens' rights, flourishing institutions of civil society, the rule of law, mutual obligations and the nurturing of community are the keys to political and economic stability. Such stability is Australia's greatest hope. It is what puts us in the best competitive position in our region.

Social unity cannot be built around a Government hostile to some of its citizens. It will not be built on a cowed and subservient work force. The ceaseless provocations and extremist rhetoric of the Hon. Peter Reiths of this world and the reckless creation of ideological division demean our country and undermine our political and economic advantages. At this very moment, mercenaries are being trained in the Middle East to attack working people's rights. There is no national emergency that can justify any of this; it is sheer madness. It can do nothing but diminish respect for the armed forces and spread fear among our people.

Why is it that all we hear from Canberra in industrial affairs is so partisan and so one-sided? The future of work and economic security lies in ensuring that people have confidence that their right to live in a civilised society will be protected by law and that they can organise the social means to advance their interests without hostility from Government. To build efficient industries there must be cooperation and commitment at many levels: commitment to study, learn and gain experience and qualifications, to motivation for success, to work hard and well, to meet challenges, to be creative and to work with others effectively. To work within the emerging industries of the future and for those industries to flourish, people must be accorded respect. Outdated notions of master and servant, managerial prerogative and authoritarian work organisations are a drain on the realisation of Australia's potential.

I have no hesitation in declaring my allegiance. I am for the Australian people, for their rights, for their job security, for their organisations and for the settlement of industrial conflict by just means. I am against the unrestrained right to hire and fire and the use of paramilitary mercenaries in industrial conflict. I am against governments becoming the unquestioning servants of global demands for lower and lower conditions of employment, longer and longer working hours, stress, uncertainty and the removal of any form of job security. The industrial troglodytes who have the ear of the Commonwealth Government want to return to the 1890s; to a social pathology of class war, conflict and division. It is not surprising that so few people are enthusiastic about this agenda. We will not have 13 years of Thatcherism in Australia.

Trade unions and business must both be accountable to the social good and serve social purposes. They must both be socially responsible and regulated. Accordingly, they should each be respected. Both have done much good in the history of our country. However, it is important for Parliaments to consider the rights of citizens at work. We should be developing those rights according to the principles of justice, equity and efficiency. The law must not only deal with the rights of unions and employers but also provide basic protections and rights for all employees and independent contractors. We cannot afford a two-tiered society where casual workers, independent contractors, people engaged by labour hire companies, outworkers, new migrants, part-time employees and people without adequate literacy or numeracy are marginalised in the world of work.

Much has been done over recent years in particular areas. The position of women in the work force, the issue of unlawful and unfair dismissal and racial discrimination in the workplace have all been addressed. Regrettably, there have been negative results as well. The exclusion of some people from access to legal rights when unjustly dismissed is one, and the ongoing struggle of injured workers for just compensation is another.

One of the reasons that so many people want to come and live in Australia is that they know that this is a society which has enhanced the rights of its citizens and which offers their children hope to fulfil their potential. A citizen must have civil rights in the workplace, as well as industrial and political rights. In my view, history shows that the Australian labour movement has been at the forefront of building our society and will continue to do so. Frequently it has had to struggle and prevail over the same reactionary mentality which has emerged on the right wing of Australian politics in the past two years and which is now suffering a collapse of public support for its leadership.

We currently have an industrial relations system that has been turned upside down, and for what reason? Has it reduced the high rates of unemployment? Has it made this country more competitive or a better place to live? Of course not. Not one industry sector has created extra jobs as a result of right wing, nineteenth century, confrontationist, anti-worker legislation. In industrial affairs on the conservative side of politics, the more things change, the more they stay the same.

And what about this current State Government as an employer? Government employees do not know whether they will be here today or gone tomorrow. This Government has devastated country towns with cuts to the Department of Road Transport, forestries, waterworks and Optima Energy. State Government employees and their families live in uncertainty. They have no security. Interestingly, during the past 12 months the South Australian branch of the Australian Workers Union—a union with a proud history of representing its members, protecting its members' industrial rights, working with Government for job creation—has increased its membership by over 1 000. I wonder what that well known union basher, the Hon. Peter Reith, thinks of that.

We must strive for real job growth, jobs with a future, jobs with security. We must strive for more speciality retailers whose head office is out of Adelaide. These are businesses which provide potential for employment growth. What will we do to businesses of this kind if we extend current shopping hours? First, let me give a scenario of how it would work for the big shopping centres if we extended shopping hours.

Currently we have a night-fill situation after the supermarkets close: someone filling the shelves. The lights are on and the supermarket would simply need to call in maybe one or two casual labourers to go onto the cash register. The supermarket would be rescheduling the hours of existing casual labour. This scenario does not create one additional job, but look at what it does to our speciality retailers. By extending shopping hours for the big retailers we create a down side for the speciality retailers. We put pressure on their profits, we impede their growth and they stop employing people. Largely big business tends to take care of itself, but what of small business, and do we allow big business to kill off the small retailer?

Furthermore, many businesses in the electorate of Lee have approached me. They are critical of this Government throwing money at big business from interstate and not supporting existing businesses here in South Australia. Another challenge that confronts us is the misnomer that only private enterprise can get it right. This, of course, is a nonsense and could not be further from the truth. Privatisation is and has been another example of anti-employment policies. The privatisation of our water, the Modbury Hospital and our buses has been an abject failure and has cost us jobs. Where are the benefits the Government promised us? Where is the 20 per cent price reduction for water consumption? Why are businesses and consumers shunted from United Water to SA Water when they have problems, and so the list goes on?

Ask people in the western suburbs what they think about the proposed privatisation of the Queen Elizabeth Hospital and our electricity system. A broad range of services can and should be undertaken by the public system, namely, our schools, hospitals, water, electricity and transport.

I turn to education. Many important decisions have to be made in the delivery of our education services. Investment in education is the key to economic and personal opportunity. The great debate into the next millennium will be about choice and control. Choice: what school will you attend? Control: can you pay the fees? We must have equity in our system. There must be access to a rigorous curriculum. Doctor Kemp says:

Evidence suggests that rewarding poor performance acts as a disincentive to improved outcomes.

I say that literacy problems are social problems. The most common factor is poverty. Interestingly, well renowned author Bryce Courtney recently said, 'The top issue is literacy. They come to school without speech.' We must challenge ourselves to do things better, to have a better system for all our kids. We must be more creative. Perhaps there needs to be greater flexibility in the school day. For example, at Hendon Primary School in our electorate there is a dance program and specialised dance. To accommodate specialised dance in the curriculum, the teaching is conducted out of school hours.

Last Friday I was delighted to make a number of presentations at Seaton High School. Seaton High has a high quality curriculum and a number of curriculum initiatives. Perhaps senior schools could come together in cooperative clusters, enabling a far broader curriculum for students and for students to do a unit of work without leaving their own school. Schools must be far more cooperative rather than the intense competition that currently exists between schools. If something is working and it is good for a school it may be good for the school farther down the road. We must also

arrest an ageing teaching population. Although experience is a valuable asset, we must continue to introduce young teachers to our system, to provide young teachers with secure full-time employment. If we do not, we lose them forever.

Schools will continue to be confronted with the ongoing and ever increasing demand for technology. While the affluent have access, largely the working class do not. Schools in the electorate of Lee do not have the same capacity to fund raise as do schools on the eastern side of town.

Another big issue causing great heartache in the community is that of health. As the cost of health insurance continues to rise, and people in private health insurance continue to leave the system, the pressure on our public system continues to grow. Public waiting lists are increasing daily. The nursing home fiasco and cuts to home and community care and palliative care and the privatisation of our public hospitals, undertaken by a State Liberal Government, all continue to scare and frustrate people.

I turn my attention to an industry here in South Australia that requires some synergy and change. I speak of the racing industry, reported to be the third biggest industry in South Australia. Currently we are in somewhat of a vacuum. We have let a generation or two slip by. To put it bluntly, not enough people now go to the track. What do we do about it? How do we attract people and get people back? We must have facilities for the people. We must have the proper facilities that punters demand. All patrons must be out of the elements, including the battlers and not just the members. It will not be easy. The industry must meet the standards offered by other betting venues. Further, I suggest night racing would help; perhaps a disco after night racing would entice younger people.

The rationalisation of tracks and all-weather tracks may also help. If you do not get the participants on course, the industry will die. People will just go to the TABs and hotel outlets and be happy to sit back and not participate in ownership. Ownership is of critical importance to the industry. No owners means fewer horses, fewer breeders and no atmosphere. To provide greater incentive to owners I also suggest greater stake money for bread and butter races. Perhaps we should stop the escalation of big single stakes, the huge and growing stake money at carnivals, and put more money into other meetings. When is enough enough? For the industry to be successful the battler must be involved in ownership as well.

I also declare my unqualified support for the ongoing participation on course of the bookmaker. Bookmakers help provide the colour, the atmosphere and the characters, but perhaps more importantly they provide the betting prices. Without the bookmaker we would have a monopoly. In my younger days I had the good fortune of working as a penciller for some bookies. Some made a quid and some went broke. I declare my interest, Mr Deputy Speaker.

**Mr Foley:** You worked for the guys who went broke.

**Mr WRIGHT:** Exactly; that is why I am here. Above all, I found bookmakers to be honest, fair, community-minded people who help employ South Australians.

*Members interjecting:*

**Mr WRIGHT:** My colleagues on this side bet with the wrong people. They go to the wrong bookmaker—that is their problem. I will introduce them to the right people. Take out the bookmaker and I pose the questions: who would set the prices; what would be the percentage take of the TAB; how would the professional punter who arbitrages between the

bookmaker and tote play; and, who would tip us all the losers?

With respect to the bookmaking industry, it has always amazed and disappointed me that the minimum bet for telephone wagering has been set too high by the Government. This I acknowledge started with a Labor Government. Although this may somewhat contradict my earlier concern about getting people on course, a reduction would have minimum effect. We should reduce the minimum bet to involve more people; perhaps \$50 would be a more reasonable figure. Let us never forget that the punter puts on the show.

I would now like to speak in more detail about the electorate of Lee and its most important resource, our people. We enjoy a broad cross-section of ethnicities: Anglo-Saxon, Italian, White Russian, Greek, Eastern European, Polish, Ukrainian and Serb. Our diversity is our strength. Our multicultural fabric has enriched our area. The people of the western suburbs deserve good government, deserve strong leadership and deserve honest representation. Many parts of our community rely upon real job creation, a fair labour market, equity in education, a quality and reliable public health system, and a public housing system. They do not deserve to be ignored and I will not allow our area and our people to be taken for granted.

I have already spoken of the importance of the Queen Elizabeth Hospital to the people in the western suburbs. This hospital was built 43 years ago. It has served the people in the north-western area superbly. It has been an icon for people in the north-western suburbs. It must remain a public hospital. What people want is the public to stay in the public hospital system. Under this Government, wards have closed, bed numbers have disappeared and nurses have gone out of the system. For a public hospital to operate, it must not have those resources cut out of the system.

I refer now to the Housing Trust. In our area, some 25 per cent of residents rely on public housing. Many more rely upon rental subsidies. I am committed to a public Housing Trust which is correctly resourced and which can provide a quality alternative to those most in need. I look forward to working closely with the residents and the Housing Trust to make sure that tenants get a fair deal.

There has been much debate in this Chamber about the proposed West Beach groyne. There have also been significant attempts by the Premier and others to put all this project together and to say that it can happen no other way. I do not agree with that sentiment: I think there are alternatives to the West Beach groyne and I believe that this Government must listen to what the people are saying.

The position on this side of the House is not one of anti-employment but pro South Australian. What is proposed here at West Beach is an \$11 million project on which the Government does not have to spend \$11 million. We are talking about 250 metres of rock going out to sea. What will this do to the beaches? Surely, our coastline has been one of the great features of our history. It brings tourism into the State and I suggest that the pristine beaches are something that we can never take for granted. Unlike the Premier, I would like to congratulate the Henley Beach and Grange Residents Association and the Charles Sturt council for the work they are undertaking on behalf of the local community. Just because you do not agree with the Government's position does not mean that you can be dismissed without taking any countenance of your position.



What has happened with the groyne at Glenelg? What has that done to the beaches to the north? We have always had a coastal management plan; we have invariably had sand replenishment; but beaches to the north of Glenelg have narrowed as a result of the groyne being put in. We must rethink this issue. It is not simply that the whole project has to be lumped together. There are alternatives and they must be looked at seriously. We are all about creating employment in South Australia and we must go down a path that is for the future of all South Australians.

I would like to raise a local issue about a recycling facility for Royal Park. A dump has been proposed by JJJ Recyclers for the corner of Tapleys Hill Road and Old Port Road. It would operate seven days a week slap bang in the middle of residential housing. The noise, traffic congestion and all other associated problems that would occur smack bang in the middle of a residential housing area are simply unacceptable. The residents of Royal Park and adjoining suburbs have had to fight this issue once before and it is time that the Development Assessment Commission knocked it on the head once and for all.

I would also like to speak about my concern for Focus 21. The restructuring of South Australia's Police Force is not a good example of good government. Consultation with the community took place after key decisions had been made. The Police Force itself had no input. What it means for our area is the potential loss of the Henley Beach Police Station, it means loss of public confidence and it means poor police morale. It may mean police being operational only from The Parks, which is at Ottoway. This would be a police station out of sight and out of mind and, of course, there would be all the associated problems with much more time to get to problems occurring in our area.

Going hand in hand with the work of the police, I express my support for the Neighbourhood Watch groups that operate within the area of Lee. Currently, there are 6½ groups. I look forward to continuing to work closely and cooperatively with all Neighbourhood Watch groups that go about their hard work in assisting to ensure that houses are protected and that the community feels much safer. They have recently had a setback with respect to the printing of their newsletter, which was previously done by the council, and we must try to find ways of assisting volunteer groups who help the community.

I also refer to the West Lakes stepped revetments. I have already met with Government officials and received a briefing on this issue. Some 400 homes are affected by steps around the lake which have either cracked or broken completely. We are currently into a 10-year program with \$1.2 million being allocated each year. Although this figure is welcome, this project cannot sustain a 10-year program. I ask what will happen in the future of the area? The revetments will only get worse as the years go by. Can people wait that long for the repairs to take place?

I turn to the sporting and community clubs within our area. I speak of clubs such as Seaton Ramblers Football and Sports Club, West Lakes Community Club, West Lakes Sports Club and Semaphore Surf Lifesaving Club. In one way or another, all these clubs are doing it tough. Poker machines might have had an affect and there seem to be fewer volunteers in the community. There must be more Government support. We must be very careful as a community that we foster our sporting and community groups. We are in a privileged position in Australia in that we cater for the masses. In America, after you leave high school and the college system, you basically have nowhere to go to play

sport. We must never go down that track. Certainly, we must cater for the elite but we must ensure that we have a place for the masses to continue their sporting pursuits.

I would like to say how delighted I am that the South Australian National Football League and Football Park are in the electorate of Lee. Football Park is the home of the Crows, Port Power matches and, of course, the South Australian National Football League competition. I would like to express my congratulations to the Crows for an outstanding season, for their performance in winning this year's premiership, and I am sure all other members congratulate the Crows on this fabulous achievement.

But I would also like to take note of the outstanding performance of Port Power in its first year in the AFL competition. This was a team that won as many matches as any other team had done in its first year of competition, except for the West Coast Eagles. Its season was an outstanding performance and we had two teams in the national competition that did us proud.

I would also like to speak about the South Australian National Football League competition. This is the competition where a lot of our future champions come from, but it is also the competition where we give people the opportunity to be able to play their chosen sport. I join with the member for Norwood and the member for Hart in congratulating Norwood for its premiership in the South Australian National Football League competition. The member for Hart was most excited about this victory and, when he telephoned me on the Sunday night, the one thing I had to remind him about was why Port Adelaide was able to score four goals during the whole match.

I would like to echo my support for the Under 19 and Under 17 competitions within the South Australian National Football League. I think it is important that those competitions continue. Currently, there is a debate within the South Australian National Football League that we do away with those two leagues and have an Under 18 competition only. I do not think that is the way to go. We must sustain our young people and provide them with an opportunity: I think it is a negative to take away the Under 19 and Under 17 competitions and to replace them with an Under 18 competition. The strength of our football clubs in the South Australian National Football League competition is a club ethos where you have mini league and juniors going through to the Under 17s and Under 19s and working through the competition.

How and where does one start in trying to thank the hundreds of supporters who have worked so hard with me: my family, the Lee sub-branch and campaign committee, the ALP, the Australian Workers Union and my personal friends have all played a pivotal role. To my wife, Meredith, and my daughters, Alexandra and Victoria, I owe a great debt of gratitude. They have now endured two parliamentary campaigns and, although it has not always been fun, it has been interesting. Alexandra and Victoria may not fully understand the Westminster system, but they are quickly learning right from wrong and both have a 'Don't blame me, I voted Labor' sticker on their bedroom door. I am not sure that they know what it means, but we will teach them as they go along.

My parents, Jack and Norma, have been a wonderful compass for me throughout my life. Whether it be in play, work, sport or politics we share a strong work ethic, a 'Never say die' attitude and a loyalty to the working class. I am proud of what they have both achieved throughout their

lives. They are a great team and, along with my wife Meredith, they have been my best supporters.

I have been very lucky to have a local group of people who have been instrumental in making all this possible. The Lee sub-branch has worked very hard. We have had a strong and vibrant campaign committee, superbly led by our campaign manager, Pat Hansen. I would like to acknowledge people such as Colin Brett, Pat Perry, Bob Collins, Arthur Davis, Joan Woods, Pat and Barry Ashton, Tolly Wasylenko and Chris Conway—and I apologise to anyone I have missed. They have certainly performed and done more than I could have ever expected.

I would like to refer in particular to Kevin Hamilton, the former member for Albert Park. Kevin was the member for Albert Park from 1979 to 1993. He was an impeccable local member who went about representing his local area, not to mention the \$250 000 that he raised on his walks to Port Pirie for the Queen Elizabeth Hospital. I am sure that members join with me in wishing Kevin well and congratulating him in his new role as councillor for Albert Park-Cheltenham on the Charles Sturt council.

I would also like to acknowledge the great work of the Australian Labor Party: in particular I acknowledge John Hill, Kay Sutherland and Ian Hunter, plus all the people who have supported them in the office, for a great job over the past couple of years in supporting all candidates. I would like to make particular reference to the Australian Workers Union, which has been my employer for the past 3½ years. I would like to pay special recognition to Bob Sneath and Wayne Hansen, the Secretary and the President of the Australian Workers Union. I have had to look no further than these two people for guidance, support and advice. I thank them very much for all the support and enthusiasm they put into my campaign.

I would also like to acknowledge a few personal friends: Jeff Turner, Geoff Baynes, John Woodburn, Nick Alexandrides, Ian Milnes (Cadillac Printing), Len Glastonbury, Colleen Brusini, Andy and Joyce Haskett, Marty Miller, John Charlton, Sydney McDonald, Syd Suthern, and Terry and Sue Buxton. Their support has been wonderful and without their help I could not have been successful.

I would also like to acknowledge the support of the Federal member for Port Adelaide (Rod Sawford), the member for Hart (Mr Kevin Foley) and the member for Spence (Mr Michael Atkinson). I have had a close personal friendship for a number of years with each of those men and, despite the coughing of the member for Unley, I can assure the House that they are all individuals who take the responsibility of representing their community and achieving a social outcome very seriously. I have had magnificent support from both the member for Hart and the member for Spence during my past two years as the candidate for Lee. When talking about the member for Spence, I did encounter a problem when I went doorknocking with him, because people, particularly old people, would say to me, 'Yes, I heard you on the wireless last night.' I would say that I did not think it was me because I was not on the wireless. Of course, the instant reply was, 'No, I definitely heard you on the Bob Francis program at 11 o'clock at night.' Each weekend I went around and each weekend I got the same information. This is a further example of the zealotry of the member for Spence.

I might also say that I once took him doorknocking with me but I sacked him after one job because, as we went down the street together, we had a plan to alternate doing houses

down one side of the street: when we got to the end we would stop so that we would not get lost. I should not be telling members opposite the secrets of doorknocking, but I guess they know them anyway. I am sure the member for Mawson knows them. On this day I got to the end of the street and waited five, 10 and then 15 minutes and finally I started pacing back. I went back to the start of the street and knocked on the door of the first house that the member for Spence was to go into. There he was inside, sitting down having a cup of tea. He had taken about four pages of notes. I did not take him with me any more because I felt enough was enough.

I would also like to thank all the local people and organisations that showed confidence in me during the past two years. One person cannot be with us tonight to whom I wish to pay special tribute, and that is the late Mick Young. Mick was a man of enormous energy, goodwill, charm and sincerity. Mick went from the shearing shed to the national Parliament and never lost touch with the battlers. In the Parliament no-one could match his humour or was as quick on their feet. Jack Wright said of Mick that loyalty was his first commandment. He believed that the test of loyalty was not if you were right but if you were wrong. In Cabinet he demanded common sense and told his colleagues how real people were thinking. Mick Young was a mentor. He did not always give us the advice we wanted to hear, but he did give us the advice we had to hear. He retired from the national Parliament on 12 February 1988 and passed away on 18 April 1996. There will never be another one like him again.

I now turn to something more sobering. I must raise this issue and it concerns the location of the electorate office for the electorate of Lee. The location is simply not in an appropriate place. I have already written to the Treasurer in another place on two occasions to inform him of the inadequacy of the location of the office.

What is of major concern, which I am sure members opposite are interested to hear, is that people are concerned where to find their local member. People, particularly older people, are unsure of where to go. The office is at the far southern end of the electorate. It has no focus to it, and it is simply not in an appropriate place for adequate representation to be provided to the community.

If we are to be representative of the community, we must have offices which are in ideal situations. I accept that there is a lease currently on that office and am certainly not one wishing to waste taxpayers' money. I accept that that lease should run its course. However, I certainly put on notice to this House that, when that lease runs out, I expect to move into a more appropriate part of the electorate where I can do my job properly, go about representing people, and so that people know where the electorate office of their local member of Parliament is situated.

I am proud to have been born into a Labor family, bred with Labor values, and look forward to working with and representing people, community and welfare groups and sporting organisations in our area. Thank you, Mr Speaker.

**The SPEAKER:** Order! Before calling the member for Giles, as the occupant of the Chair and as a member who has been in this place for 18 years, could I make an observation on the speech by the member for Lee. I do not think many members would have had the advantage of delivering a speech, first, with his father present and, secondly, with a former Deputy Premier also present, someone who is considered an elder statesman and a highly respected former member of this Chamber. That is not a privilege open to many new members in this place.

In calling the member for Giles, could I point out that this is the honourable member's maiden speech and ask the House to respect that fact accordingly.

**Ms BREUER (Giles):** I feel it a great privilege to rise to address the House as the new member for Giles. I am particularly flattered that this is called my maiden speech, because at my age that is very important. I thank the people of Giles who elected me here, and I intend to do my best to fulfil the hopes of those people who voted for me, believing I will be a vocal advocate for people in the northern part of the State, an area which has been largely forgotten or ignored in the past 3½ years under a Liberal Government. I congratulate all members on their election and, in particular, the 'new kids on the block', like me. I believe we can look forward to an effective period in the term ahead. I particularly welcome those new country members as I believe we have a lot in common in ensuring that rural South Australia is kept on the map and not taken for granted, as is our usual lot.

Tonight I want to pay tribute to the Hon. Frank Blevins, the retiring member for Giles, and to thank him on behalf of the people of Whyalla for his dedication over more than a quarter of a century to our steel city. Certainly we wish him well in his retirement. I feel particularly proud to stand here today as one of the 10 new women members of the Opposition, and this is proof of Labor's real commitment to ensuring that women have a say in our Parliament. It certainly quells any doubt about the benefits of affirmative action.

Today we all stand in front of those magnificent tapestries created by the women of South Australia in 1994 on the anniversary of 100 years of women having the right to vote in South Australia. Behind us are the faces of three of the most famous suffragettes, including Mary Lee, and I like to think they are actually looking over our shoulder, supporting us in our new term. I believe they would be very proud to see so many of us here today. After the next election, we will be able to look them in the eye across the Chamber, confident that we have made and are making a difference and taking our place alongside the men in this Chamber. I think the old men in the paintings across the Chamber are looking a bit puzzled by all these women in the Chamber today.

I would like to tell the House a little about the electorate of Giles. This electorate is the biggest geographically in the State. Unfortunately, people in Adelaide have a perception that in the country we are all the same. I think they imagine us all as people with hay behind the ears, slow speaking and not very bright but able to lift heavy boxes! My electorate is a perfect example of how wrong this perception can be. The electorate consists of the long established industrial city of Whyalla, with a population of approximately 25 000; Woomera, which was established as a Government town and which has seen fluctuations in its fortunes for many years, although yesterday I was very pleased to hear some very positive announcements for its future from Kistler; and Roxby Downs, the boom town of the 90s, with a young population, employment and increasing services—a Government's dream.

In the electorate we also have the wonderful town of Coober Pedy. If you have not been there, you have to go. The week before last, I went up there with five colleagues. The residents of Coober Pedy thought they had been invaded. They had never seen so many politicians at one time in their town—it was wonderful. Isolated from the rest of the State, with a very high ethnic population from all over the world, Coober Pedy's official population is about 2 500, but

unofficially, there are many more, perhaps conservatively 3 500. We also have the pastoral areas in Giles, with sheep and cattle, the Aboriginal lands around Maralinga and the Pitjantjatjara Lands in the north. Two weeks ago I visited the Pitjantjatjara Lands to attend the AGM of the Nganampa Health Council. For most members, a visit to their local health committee meeting is a few streets and a 15-minute drive away. My drive was a five-hour plane trip in 45 degree heat.

The electorate, I believe, is the best electorate in the State. It is varied, exciting and there is a great mix. There are many things with which we are happy. Most of us choose to live there, and would not want to live anywhere else, especially in the city. But there is a common thread which runs across Giles: the belief that, because of its isolation from metropolitan Adelaide, it is subjected to decisions made for it by faceless bureaucrats and politicians who only appear just before an election. We believe that we are the forgotten people in the forgotten part of the State. I am sure that people in the southern part of the State have their own barrier, but in my part of the State we are all aware of the Gepps Cross syndrome, that everything stops where you lose sight of the Adelaide smog.

The past four years have heightened this perception. The withdrawal of Government services, closures of local industries and service providers, and the relocation of prime Government positions in health, education and other fields are slowly eroding employment and services in rural South Australia. Of course, every decision is rationalised, spoken of very calmly and decisively by this Government, and presented as a more efficient and better way of doing things, and with no thought of the impacts these decisions make on local communities, on their employment situation and their quality of life. In Whyalla, we have felt frustrated for a long time. We have been accused of being parochial and are told that we are not being realistic. If people in Whyalla, which is the State's largest non-metropolitan city, feel this way, how much more isolated and frustrated are the people in the smaller towns in the outback areas?

Let me quote one prime example in one small town, the town of Penong, west of Ceduna. Recently, contractors completed the last stage of a pipeline from Ceduna towards Penong. Originally it was planned to conclude the scheme at a point 52 kilometres west of Ceduna. It was then extended to Denial Bay, all funded by a grant of \$2.75 million from ATSIIC and a further \$1.5 million from the State Government. Ceduna council, through very careful planning and cost cutting, was able to extend the pipeline a further 20 kilometres from that originally planned, but the pipeline has stopped a distance of 8 kilometres from Penong because the funds ran out. Contractors moved out with only 8 kilometres to go, despite pleas from the Penong Progress Association, Penong residents, the Ceduna council, me as local member, and a promise made by John Olsen to have water piped into Penong. Just 8 kilometres, at an estimated cost of \$500 000—not millions, only \$500 000.

If the contractors had been able to continue, it could have been done for this amount. Now, if it is ever done, the cost will be more, as the contractors will have to be recalled. The latest information this morning from Penong was that the Government has refused to provide any more assistance. If the residents want it, they will have to pay for it themselves. As a very small community, with only a progress association, it is an impossible task to raise \$500 000. If one asks why, one is told that it is far more complex than that: that residents

have to be prepared to pay for their reticulation; that there is a problem with the rating system and residents must be prepared to change their council boundaries to become part of Ceduna; and that the last 8 kilometres are solid rock, and it is a lot of work, etc. However, I believe that it is because Penong is so far from Gepps Cross, it has a population of about 100 residents and is in a Labor electorate—out of sight, out of mind—who cares? Well, I care.

The Government has announced further plans to clean up the Bolivar stink for all time, at a cost of millions of dollars. And Adelaide residents were most upset, during recent rains, to lose their essential services for a few hours—things like telephone, electricity and water. Can one imagine Adelaide people having to ration their water, time their showers, never wash their cars or water their gardens because they have no running water? This is 1997, for goodness sake, not 1897. Incidentally, Coober Pedy residents pay \$5 per kilolitre for their water—so much for the equitable water system throughout South Australia! Penong residents, like any residents in this State, are entitled to an efficient, constant, adequate water supply. If the Government can afford to spend millions of dollars on cleaning up Adelaide's crap, then surely it can spend \$500 000 on Penong. I would like to know whether the announcements heralded by Minister Armitage today to improve water throughout South Australia include those areas with no water: I certainly hope so.

I would like to talk about another issue affecting life in rural South Australia, this time in Whyalla. The effect of the regionalisation of the South Australian health system has been particularly hard on Whyalla. I would like to know if the Liberal Government will ever recognise the excellent record of the Whyalla Hospital. I raise this question today in a bid to increase Government awareness of the negative effect of cuts to health services in rural South Australia. Despite fantastic efforts from our health workers, the service available to people in Whyalla has not improved in the past three years. Residents are very aware of the downturn in services available. Our understaffed and under-resourced hospital is battling to provide the level of care and the range of services which should be par for the course and the right of every individual. But too many people have to wait too long or pay travel costs to Adelaide, away from their families, for services that are taken for granted in Adelaide. If this situation had always existed in Whyalla it would not be a problem. But this has been happening for the past three years.

Our hospital and support service staff are under continuous pressure to meet restrictive budget quotas. Negative comments about the state of our hospital are common throughout Whyalla. However, I will add that there is just as much praise for the staff, who have to work in this very difficult situation. I challenge the Liberal Government to recognise the excellence of the Whyalla Hospital, which was a regional hospital but is no longer so, and to restore its facilities to a level that will reflect the standard of care deserved by all people in the country.

I want to give an overall picture of what I am talking about. Some of these are State issues and some come under Federal funding but it covers the whole picture. Cuts to local health services have included hospital services, dental services, mental health services, abolition of the blood bank, staff cuts and contracting of suppliers away from local businesses to Adelaide firms. Mental health services, despite lobbying for three years, have still not improved. There are no services for elderly clients. There are very limited adult services, and there is currently no worker for youth. So, a

young adolescent who threatens suicide has to wait for months before being able to see a mental health worker. Clients are still expected to travel to Adelaide for services.

Dental services at the hospital have been reduced, and a local staff member is now expected to travel to and work in Port Augusta for one day a week, which is therefore effectively reducing the local services by one day a week, despite Whyalla having the longest waiting list ever: people have to wait years to receive treatment or new teeth. My office has been flooded with complaints about dental services. This involves primarily Federal funding but it still highlights the sorts of issues about which I am talking.

The Red Cross blood bank closed in Whyalla two years ago, and now the blood bank in Adelaide is reporting an acute shortage in blood supplies. Our donors are being told to donate when they come to Adelaide. So, you come to Adelaide to do a bit of shopping, meet the 'rellies' and donate a pint of blood. Staff has been cut at the local hospital by 30 per cent in the past three years, a reduction of 173 jobs for local people, despite an 8 per cent increase in patient numbers. The funding situation for the Whyalla Hospital is acute. Staff have done an excellent job in reducing costs in every way possible but they are still being told that more savings are required. The situation has reached an intolerable level. Floors have closed, and now the rehabilitation and assessment unit is threatened with closure. It is the only unit outside of Adelaide.

Local business is now being affected, as contracts are now going out of this community to Adelaide firms, against the wishes of the local board. I cite the example of a local firm called Azzopardis, which has supplied meat to the Whyalla Hospital for 15 years. Now it is no longer required: the contract has been let to an Adelaide firm. Everyone in Whyalla knows the Azzopardi family, they are part of the local community. They have employed people for years, given apprenticeships to many of our young people and given so much to the community through sport, community work and sponsorship. This is typical of the decisions made by the faceless bureaucrats and politicians to whom I referred earlier, without any thought of the impact on local communities.

I am specifically talking about Whyalla but I know that the same decision has been made across the region and many other businesses are in the same situation. Bread is supplied by Adelaide contractors to most of the hospitals in my region. And yet this Government talks about promoting employment in regional South Australia. I want to ensure that public health in rural South Australia remains on the agenda at a State level. This means a public health system which caters for the needs of ordinary people when and where they require it. There have been some benefits for our electorate through regionalisation but I would like to know whether the great majority of residents in my area feel that they have received any major benefits locally.

Whyalla has many more services than other towns in the electorate: they were established when Whyalla was bigger and more affluent. However, if one looks at services in other towns such as Coober Pedy, services which metropolitan people take for granted are almost non-existent—for example, counselling services, drug and alcohol rehabilitation, mental health services, aged care services or a women's shelter. Most services are token, if existing at all. Locals are expected to make do with an irregular visiting service or go to Adelaide.

It is very difficult to attract professional people to any smaller rural towns. They believe that their throat is cut if

they have to move away from the disco scene! Many who do go become commuters, who are the scourge of country areas. They are the people who head south to the big smoke every weekend and holiday and never really become part of the community. These people are often in positions of decision-making for the community in which they work. They make decisions which affect the whole community and change the face of that community, and then they blithely move on to their next promotion, having served their penance in the bush, leaving the community to cope with the devastation and mess they leave behind.

Some people who move into these areas and these jobs are wonderful, and I would never question their professionalism and dedication. We could not exist without them. However, it is essential that they are given incentives to attract them to regional South Australia and to overcome the poor media and the images that they are given about rural life. I urge the Government to look at issues such as the subsidising of police rents for country officers. They are essential to attract staff. Other incentives could include: relocation fees, bonuses and professional support.

I want to point out another issue which typifies the lack of thought by the Government about the decisions that it makes which affect local communities. I was very interested to hear a statement by the Minister for Education on school closures, particularly his statement that this was done only after a compulsory process of public consultation and provided education as well as other factors supported that decision. I was part of such a process for 18 months in Whyalla. Following close consultation with the community by the review committee, a recommendation was made to the then Minister not to close any schools in the area. However, the decision was made to close two schools.

Most members have probably never heard of the McRitchie Crescent Primary School or the Iron Knob Primary School, neither of which has a strong parent advocacy group as does Croydon Park Primary School. Most parents do not have the confidence, the opportunities or the skills to take on the big guns such as John Olsen. So the decision was made to close those schools without anyone coming back to the review committee to say, 'We're going to close the school; can we look again and work out which school will go?' This decision was made not on educational grounds but purely on economical grounds. There was an erroneous belief that the McRitchie Crescent Primary School building could be sold to the community.

We have now lost a school which filled a very important social and educational need in this city, a school where many children, who had great difficulties in larger schools with a different ethos, were able to survive and to some extent thrive. These children now have nowhere to go but back to the situations which did not fulfil their needs before and which certainly will not be able to do so now because of the larger numbers. I believe that Iron Knob has lost part of its soul as that school was a pivotal point in that tiny township. If decisions are made to close schools—and the reality may be that we need to do so—I urge the Government to consult properly, not to make a mockery of the system and to do what suits the Government best, but to think of the communities, talk to them and pay attention, because they are not stupid.

Another small issue regarding education involves the School of the Air. Money to buy and fit consoles to improve links was allocated some time ago, but nothing has happened and no-one knows why. Why have not these decisions been made? These children live in the Far North of the State. Their

only contact with other children is through their radio. What is happening? This matter is being ignored. I believe that these issues highlight that my part of the State, and indeed all of rural South Australia, needs to be recognised for its value to the State. An incredible amount of wealth is generated in my part of the State. It contributes billions of dollars to this State's economy. We have iron from the Middleback Ranges, steel products, Roxby uranium and copper, opals, tourism, and the pastoral industry, which all keep this State going. We are not country hillbillies.

I welcome the announcement from Kistler regarding the future of Woomera. I also welcome the announcements from Western Mining regarding the expansion of the Olympic Dam project. All this means employment for us and for our young people, but the Government must keep a close eye on these projects and ensure that the work is given to South Australians. I have already been informed that some of the work that is supposedly creating jobs in regional South Australia is going to firms from interstate. A number of local contractors and businesses in Roxby are going broke because they are not getting work. You may assume that they are not good enough and that that is why they are going broke, but I am told that that is not the situation. It is merely a case of cheaper tenders: the smaller firms are not able to compete. So whilst we all welcome the project, let us ensure that the battlers are catered for, that they do not miss out on these opportunities, and that South Australians get jobs.

I turn now to the issue of the belief by people in my electorate that we are being ignored, and I highlight some of the points in the Whyalla City Council's submission on the country section of the planning strategy for South Australia released by the Government in October 1995. Major concerns were expressed in that submission about the conflicting and confusing directions in the planning strategy. Concerns were also raised about the brevity of the period allowed for the formulation of the country section of the planning strategy and about the fact that the consultation period did not allow for full discussion and development of the issues raised and that it only paid lip service to the notion of public consultation.

This raised the issue of the true purpose of the planning strategy document. Was it to be a planning tool for local communities or a statement of Government policy in respect of regional areas? Broad statements of strategy were made but token, if any, assistance was offered to regional communities to assist in the achievement of those strategies. In addition, three zones were identified in evaluating regional areas and their relevance to the metropolitan area. These included the inner rural (within 120 kilometres of Adelaide and within its sphere of influence), the outer rural, and the remote. The inner rural zone has experienced strong population growth and economic activity. The outer rural zone has experienced a loss in population and low to static growth.

Examination of the section on regional settlement was of particular concern to the Whyalla council, as it represents a community outside the sphere of influence of the metropolitan area and within the outer rural area where the population has been experiencing a long-term decline. Statements which gave rise to this concern related to the Government's commitment to regional areas outside of the influence of Adelaide, such as urban growth and decentralisation policies. The submission states:

Although decentralisation policies have not been successful as a means of reducing metropolitan population growth, there are benefits in building on and promoting the specialities of smaller

urban regions. This enhances the economic and employment opportunities and at the same time could lessen the expansion in metropolitan Adelaide. . . It could be advantageous to consolidate and extend this diffusion by promotion of employment generation in selected towns of good amenities and high accessibility on the perimeter of this growth circle, for example, Robe, Clare, Mannum.

Good luck to those towns, but what about the northern outer rural area of the State? Clearly, the Government recognised some benefit in promoting further growth of inner rural or fringe communities. However, the regional development settlement strategy fell far short of an equitable approach for the remainder of the South Australian community living outside the inner rural and metropolitan zone.

The people of my electorate gave me an overwhelming vote of confidence on election day. I want to live up to that vote of confidence. I want to make this area known in Adelaide and on North Terrace. I insist that we get a fair deal from the Government and the Adelaide press. We have noticed a decline in services of all kinds in this region based supposedly on economic grounds but with no consideration being given to local issues. I want to keep this area on the map. My priorities will include: employment, assisting small business, and retaining Government services which are locally staffed and supplied. I want to keep and improve current health services. I want to have education services at an acceptable level and on a par with previous levels. I do not want to allow cuts to be made on economic grounds but only on educational grounds.

I want more equitable pricing on petrol—I will bet that it costs me a lot more to fill the tank of my car than it does other members—Government services, and other consumer goods for rural South Australia. I want this part of the State to be recognised as an essential part of the State which contributes billions of dollars to the State's economy. Much of my electorate consists of the Aboriginal lands. I will be working closely with the shadow Minister for Aboriginal Affairs to ensure that Aboriginal people have a representative with a strong voice, particularly in these trying times with the issue of race becoming common in the media.

I take this opportunity to thank the many people who have helped me during my campaign and during the many years in which I have been involved in community work. Today, I am proud to wear the Whyalla emblem and scarf. I thank the people of Whyalla for their confidence in me. I also especially want to thank Mike Rann for his commitment to Whyalla and the region. He visited Whyalla 11 times during the past 18 months and demonstrated a real interest in the city. This was appreciated by the residents, and I congratulate Mike for his efforts.

I also congratulate him on his excellent leadership and his Clayton's victory—the victory you have when you do not have a victory. I also thank Wendy Shirley, my new assistant, for her dedication and belief in me for many years, her very hard work in my campaign and her total organisation of me. To my other campaign workers I also say a very big thank you: including Rod Sutherland, my other campaign manager, Judy Tyler, Tracey Dicken, Deidre Wright, Kathy Bradley and especially Geoff Buckland, our candidate for Grey. Most of us here are also aware that we could never be where we are if it were not for support from our sub-branches and people such as Bob Goodson in my sub-branch who went up to Andamooka and stood in the blazing sun all day on election day and handed out how to vote cards. Another was Clara Coulthard, who travelled through half the State on the Anangu lands taking to people about me and the Labor Party.

I also thank Kay Sutherland from the ALP and Guy Ballantyne from Senator Schacht's office for their support and for being there when things got tough.

I have been a single mother for a long time, and my children Tim and Kate have been my soulmates. They have often seen a lot more mealtimes than they have seen home cooked meals, but as a family we work together, and I thank them. I also pay tribute to my father for shaping my politics from a very early age and instilling in me a great sense of social justice. I thank my mother, brother Gary and Sue for their support and for that essential baby sitting. I believe that I have the best electorate in the State, and I shall do all in my power to live up to the role of a local—a very local—member. I am the only country Labor member, and I will ensure that, following the great principles of the Australian Labor Party, I will do my very best for the battlers in my electorate.

**Mr MEIER** secured the adjournment of the debate.

#### **STATUTES AMENDMENT (MINISTERS OF THE CROWN) BILL**

Adjourned debate on second reading (resumed on motion).  
(Continued from page 147.)

**Mr HAMILTON-SMITH (Waite):** I did not intend to speak on this Bill, but I was so inspired by the speeches from the other side of the House that I felt the need to do so. I support the Bill; I think the Government has come up with an excellent formula to govern. I was very interested in the presentation by the member for Spence. He was very eloquent in pointing out the growth in the number of Ministers over the past 30 years. He failed to mention that most of that growth occurred under the Dunstan Government and that in the same time frame—the past 30 years—the growth in the size of Government and the number of public servants has been in excess of 900 per cent, thus necessitating an increase in the number of Ministers. I repeat that most of this occurred under Labor Governments.

I was particularly interested in the member for Ross Smith's comments in regard to committees and the points he made about the number of members of the Government on committees or holding down important positions within the Government. He talked for some time about remuneration and white cars and so on. He suggested that the Premier was buying support by appointing so many Ministers and junior Ministers and appointing so many people to committees, but he failed to talk about the number of Opposition members who are on committees.

I believe that, when addressing Bills before the House, the time has come to stop harping on the issue of remuneration for members of Parliament and other conditions and privileges. We have all come to see that the media do not need any assistance in regard to commenting on MPs' remuneration and conditions of service. We do ourselves a disservice as members of Parliament—all we members of Parliament—by adding fuel to the debate by raising such issues when considering Bills. This was never more clearly evidenced than during the recent travel rorts affair in Canberra and the Senator Sherry fiasco, when the white flag was well and truly raised by the ALP and the debate generated into something of a farce.

In debating this Bill and others henceforth, we should give the Parliament a fair go and either be silent in regard to the

issue of MPs' remuneration, conditions, white cars and so on, or take the lead (and I put this to members of the Opposition) by developing a policy whereby they offer to forego remuneration for attendance on committees or, should they one day come to Government, they offer to forego the use of Government vehicles. If the member for Ross Smith so fervently believes that the current arrangement is highly unsatisfactory, I suggest that he initiate within the Labor Party a step to take the lead on this issue into the next election campaign.

As the member for Ross Smith would be aware, along with most members, there was a time when members of Parliament were not paid at all for their service to the people of South Australia. I believe that the real driving force behind remuneration was to enable all South Australians to have a fair go in representing the people of South Australia. If we would like to go back to the middle of the last century, I would welcome some sort of informed debate from the other side of the House on the issue. In respect of this Bill and all future Bills, I simply make the appeal that we end negativity and in particular that we members of Parliament stop adding fuel to the media fire by raising issues associated with members of Parliament remuneration, white cars and so on.

I for one believe that the focus of this Parliament should be on rebuilding South Australia and getting South Australia moving. I believe that every moment we waste talking about MPs' remuneration, white cars and so on is time better spent on forging a future for South Australia. I believe that the Premier should be commended on coming up with an excellent formula for leading South Australia forward and, despite the lengthy debate before dinner, I commend the Opposition on supporting the Bill.

**Mr FOLEY (Hart):** I oppose the Bill, as my colleagues have done tonight. I have looked at the Premier's behaviour since the election and thought that it has certainly been odd. I thought that perhaps this notion that he would vote against himself was the first sign of odd behaviour following the election but, in all the weeks following the election, the one issue that I found to be the doozey of all silly announcements and policy decisions was this one to increase the ministry. I was at a Chamber of Commerce dinner that night; if only the Premier and members opposite had been aware of the reaction from the business community. Certainly at my table and around me we were somewhat stunned.

On the Friday after the election, we had the Premier making what he had clearly planned to be his first major speech after his stunning election success. He walked in very much a wounded politician, and he had the whole business community of South Australia there to listen to his agenda for the next four years.

They were ready to give the Premier an opportunity to chart out a formula for the next four years. What did the Premier give the business community of this State and the rest of South Australia? He gave them two more Ministers. He gave them a restructured Public Service and 15 rather than 13 Ministers. The reaction from the business community said it all. Eyes at my table rolled, they laughed—

*Mr Brindal interjecting:*

**Mr FOLEY:** If the member for Unley would like me to name the business people, he would get a nice little shock. I will ask the Premier to show the seating arrangements. At the end of the day the reactions said it all. Here we had the action-man Premier, and his great vision for the next four years was to increase the size of government, the ministry, to

give two more of his colleagues a job. Fair dinkum, it was about the dumbest, silliest, most nonsensical decision a Premier has taken for many a long year.

If members think that good government is about making more Ministers, they were not listening at the last election. It is a nonsense and a joke and, frankly, a disgraceful piece of public policy that you must reward or give jobs to members of Parliament to shore up the numbers—not just to give you strength in leadership, not just to give you enough satisfied members of Parliament to ensure that at least in the short-term your leadership is not challenged but also clearly to give you a Cabinet majority decision in your Caucus. It is designed to ensure that the problems you had in the last term of government, where the Cabinet was outnumbered by the Caucus and not at all times able to get its way, with the Premier not at all times able to get his mandate through, are overcome. This way you enlarge the ministry to ensure that the ministry has the numbers. There is a two fold reason: to shore up his leadership and to ensure that he can minimise the fall out from unpopular decisions and rope in his Cabinet. There can be no other explanation.

I do not want to be personal, but the Premier has chosen as Ministers people who five months ago he could not sack from the ministry quickly enough: long-held arch enemies of the Premier have been brought into Cabinet. That is not a public policy decision. It is clearly obvious to all that it is about shoring up the numbers. It is about giving jobs to people whom he is rewarding for support; it is about giving jobs to people to ensure that they, where possible, do not scheme against him; and it is about rewarding people in another place for not getting preselection for a Lower House seat as promised. That was clearly delivered to the new member for Waite. It is plainly politics at its worst. Having worked for a Government Minister—a very fine Minister in Lynn Arnold—

*The Hon. M.H. Armitage interjecting:*

**Mr FOLEY:** Absolutely—left many a yellow sticker around. I had a few years working as a ministerial adviser. I worked in a Premier's office. I know about a Minister's workload. I have empathy with Ministers. Having worked for one for 6½ years, having had to take home two or three brown bags of dockets and having spent many a late night going through the dockets as I passed them onto the Minister, I know what every Minister in this place has to do, and in the main it is a very heavy workload and responsibility. If a Minister does his or her job properly, it is a very demanding and onerous task. But I know one thing as well as any: 13 Ministers in a Cabinet is enough. It could be argued that it is more than enough, but in a small State, in an Executive Government, 13 Government Ministers is more than enough.

With 10 Cabinet Ministers and five junior Ministers, we have 15 Ministers. Admittedly, the Government has tried to be clever and bring down the rate of pay for a junior Minister below that of a Cabinet Minister to give the illusion that it balances out in terms of cost. It does not and it will not. Ministers opposite when appointed will require personal staff. Ministers opposite, as they should to do their job properly, will require a number of support staff. They will have access to white cars and it will grow in number and frequency. They will have travel requirements. The cost of running a junior Minister's office will be quite significant.

It is a fine point lost on many but not on those who have worked for a Minister before and not lost on Cabinet Ministers here who have a junior Minister: I look forward to watching the interrelationship between a junior Minister and

a senior Minister. Perhaps of more interest will be the relationship between the junior Minister and the senior Minister's chief of staff. As I recall, the way I did the job, you were the senior political adviser to the Minister of the day. I look forward to watching the interaction between the elected politician sitting in a Minister's office and the chief of staff. No doubt there will be many a clash. I am happy to give the member for Coles some tips on how to overcome that, but it will be an interesting dynamic. It is not a personal comment: it is reality.

The nonsense of this legislation did not end with 15 Ministers: for good measure we also threw in a parliamentary secretary. We gave a parliamentary secretary 20 per cent loading and for good measure we have thrown in an extra 10 per cent. That is a nonsense, and a greater nonsense is that it may not stop with the Hon. Julian Stefani in another place. Under this Act the Governor may appoint a member of Parliament as parliamentary secretary to the Premier at any time. So, if the Premier is feeling—

*Mr Brindal interjecting:*

**Mr FOLEY:** It provides that 'the Governor may appoint a member of Parliament as parliamentary secretary to—

**Mr Brindal:** 'A member'.

**Mr FOLEY:** No, any member.

*Mr Brindal interjecting:*

**Mr FOLEY:** That is what the Government has advised us, the member for Unley. If your legal counsel has got it wrong, you had better talk to the lead Minister. We are advised that at any time the Premier may appoint a parliamentary secretary of his or her choosing. We have the nonsense again that, if the Premier of the day (and it could be anyone as they change so often) is under threat, they can appoint someone as a parliamentary secretary in an attempt to buy their vote. That is obvious and is a nonsense in the legislation.

More concerning than that, and something we should consider closely, is that the Auditor-General in his report has made much comment, as he has previously, about the conflicting roles between a parliamentary secretary and his or her duty as an elected member of this Legislature or another House in carrying out their responsibility to safeguard the taxpayers' dollar, which is our primary role when elected to this Parliament. The Hon. Julian Stefani in another place, as a parliamentary secretary, is required under this legislation, as are junior Ministers, to take the oath of allegiance and the official oath before the Governor, so he is a *de facto* member of Executive Government, but he also has a role on a committee of the Parliament. Lower House members who are not part of Executive Government when on a parliamentary committee have a role, responsibility and care of duty, namely, to scrutinise Executive Government and its decisions.

Here you have the Hon. Julian Stefani and, at any time in the future, another member of this place or another place having a conflict of role. It is a very important issue, thus the Auditor-General has commented on it. I do not think that can be dismissed lightly or ignored. It is a very important conflict role being generated by this legislation. I think all members in an objective assessment of this legislation should take that point very much into account.

At the end of the day, the Federal Labor Government under then Prime Minister, Bob Hawke, first introduced the notion of junior and senior Ministers. That was based upon the complex governance of a nation of 18 million people, six States, two Territories, and a Parliament made up of over 200 members and Senators.

*Mr Brindal interjecting:*

**Mr FOLEY:** No, hear out my argument. There was and is an argument—and it is a legitimate piece of public policy—that in the Federal scene a senior-junior ministry is appropriate. You can have an inner Cabinet and an outer Cabinet because you are governing a complex, vast, significant country as Australia is. There are enough jobs that require that complex structure. Let us be honest. In South Australia we are not a major Government and we are not a State of huge population with far flung regional cities and populations. We are, in effect, a city State and we now have this nonsense of a senior ministry, a Cabinet ministry and five junior Ministers.

Ministers opposite, I am sure, are adjusting to this arrangement, because they have no choice, obviously, but it makes us look a bit mickey mouse. As a State we look a bit mickey mouse when we have an inner ministry and an outer ministry. It pains me to make that statement, but the Premier in an attempt to address his political problems has made the State look a bit silly. Good luck to the junior members opposite. I wish every one of them well. I have worked with them for the past four years and they are all good, decent parliamentarians, but I would hope that they, in accepting their appointment to these ministerial jobs, reflect on it. It looks a bit silly to be a junior Minister in the State of South Australia reporting to a senior Minister. Honestly, it is a bit of nonsense.

*Mr Brindal interjecting:*

**Mr FOLEY:** At the end of the day, good luck to you; you are offered a ministry, you take it. I suppose that at the end of the day there is nothing you can do.

*Mr Brindal interjecting:*

**Mr FOLEY:** In essence, yes, but I would have preferred to see a ministry of 13, because there are members who have been appointed to the junior ministries who I think are deserving of a senior ministerial role. There should be a situation in this Parliament where backbenchers in any Government can aspire to Executive Government in a small Caucus opposite of 23 members and whatever the number in the Upper House.

*Mr Clarke interjecting:*

**Mr FOLEY:** I meant 'some'. It is a nonsense to be aspiring to be a parliamentary secretary in this Parliament, then a junior Minister and then a Cabinet Minister. Given the way the Government changes Premiers, I suppose Government members will aspire to that as well. At the end of the day, it is a hierarchy that is more consistent with management principles of the past. Modern management principle, as you often preach to us, is about flatter management structures. It is not about making it more layered. It is about flattening out the management structure.

All of us who have worked as ministerial advisers, and there are a number in this Parliament, know the workload of a Minister. As I said before, 13 is ample and it can probably be reasonably argued that 13 is a couple of Ministers too many, anyway, and that the business of State—

*The Hon. M.R. Buckby interjecting:*

**Mr FOLEY:** The Minister for Education, Children's Services and Training looks up like a poor little puppy dog and I have some sympathy for him. Having the very heavy workload that he has, I am sure that he thinks having more Ministers is better than having fewer, but apart from the workload of the Minister opposite, the Minister for Government Enterprises, the Minister for Human Services and others



who are considered by the Premier to be the more capable of the ministry—

**Mr Clarke:** Heaven help us!

**Mr FOLEY:**—I said that was the Premier's view: I did not say it was necessarily mine—they have heavy workloads. The other senior Ministers have a splattering of portfolios and then we will have the junior Ministers with their very small workloads. I have great sympathy for senior Cabinet Ministers with heavy workloads. As the years go by the memory of taking home bagsful of dockets dims but I recall the heavy workloads involved and I have sympathy for them.

In conclusion, I wish to give one more plug for the poor old profession I was in for 6½ years. The profession of ministerial adviser is something I hold dear to my heart. I have spoken up for the working conditions for ministerial assistants in this place before when they have been under attack by this Government. I refer to the poor old chiefs of staff and ministerial assistants who now have to put up with a junior Minister. Having to have an elected member of Parliament sitting in their office as well—

*The Hon. D.C. Kotz interjecting:*

**Mr FOLEY:** Thankfully, I never had to put up with a member of Parliament competing for the Minister's attention. Thankfully, I never had to endure that.

*Mr Brindal interjecting:*

**Mr FOLEY:** One thing the member for Unley will have to learn: once he is a Minister of the Crown he will have to stop making silly interjections and nonsense contributions. He will have to sit there, shut up and show a little bit of style, something which does not naturally come to the member for Unley. Will you be a junior Minister to the Deputy Premier?

*Mr Brindal interjecting:*

**Mr FOLEY:** Under the guidance of the Deputy Premier, I have no doubt that these great political adversaries who have spent most of their years in this Parliament fighting in opposite camps will doubtless be drawn together. There is also some macabre logic in the Premier's groupings of these junior and senior ministries. Putting the member for Unley with the Deputy Leader, when they have been arch foes for so many years, is certainly quaint. I am not sure where the member for Coles spots into all of this, but I suspect it will be just as interesting to see how her role links with that of her senior Minister.

It is a nonsense decision of the Premier consistent with his erratic behaviour since his election. He snatched defeat almost from the jaws of victory. He was described as the loser of the century, or however the *Financial Review* penned him, but this is a piece of nonsense legislation, a nonsense decision in terms of public policy, designed to shore up his leadership and designed to shore up his mates. It is designed to ensure that the Premier has the Cabinet majority in Caucus decisions. For all the wrong reasons, this Premier has made a very silly decision.

**The Hon. M.H. ARMITAGE (Minister for Government Enterprises):** I will be brief. This debate is about Cabinet and non-Cabinet Ministers, which of course is a longstanding tradition in the Parliament. The member for Hart talked about the Hawke Government doing this. The only difference between the Hawke Government and here is not that in the Hawke Government exercise they were governing a nation and we are governing the State: the only difference is that in the Hawke Government all Cabinet members were paid the same. That is not the case in this exercise in South Australia. This is a Bill about effective

legislation and improving the streamlining of processes of Government for South Australia, something about which I am sure everyone would be in favour.

The member for Spence made a particularly erudite contribution, and it was fascinating that he talked about the fact that the role of Parliament has been undermined by Party politics. Of course, this is a particularly interesting question because, without Party politics, you have the situation such as exists in Italy where people go the polls at short intervals. I thought it was fascinating that of all people the member for Spence should be talking about Party politics undermining the Parliament, when he has been bound so often by what the Labor Party has forced him to do and has not had the opportunity—

**Mr Clarke:** Bound hand and foot.

**The Hon. M.H. ARMITAGE:** Exactly. I agree with the member for Ross Smith. He has been bound hand and foot, trussed up like a spring chicken, brought in to vote and wheeled out at the right time, yet he has the gall to claim that this place has in some way been sullied by Party politics. That really is the pot calling the kettle black. If he is concerned about that, I suggest that he come in and vote against the ALP Party policy. The Leader of the Opposition said that this was a Bill about jobs but not about real jobs for South Australians. What a farce, given that he spent most of the past two days avoiding the debate about the West Beach boat harbor which, in fact, will provide 2 300 construction jobs over five years and 300 jobs operating the whole project.

The West Beach boat harbor itself will involve about 50 construction jobs during 1998 and about five to 10 operating jobs. The whole Holdfast Shores and West Beach boat harbor project is now in jeopardy because of the Leader of the Opposition's recalcitrance. Even though it is estimated the project would turn over \$30 million in economic activity in this State, the Leader is voting against it. It is interesting also that the Boating Industry Association and the South Australian Recreational Boating Council are very much in favour of the jobs that this project would provide.

The other point that the Leader of the Opposition chose to bring into the debate concerns the Government's media unit. In some way he appeared to indicate that I had been spoken about by the ABC from the media unit. I just instance to the Leader of the Opposition that as short a time ago as yesterday I was telephoned completely independently of the media unit and I was delighted to talk to the ABC without any media unit intervention because they wanted to ask me about the jobs and investor confidence that would come in South Australia from the West Beach boating facility.

I thought that the member for Ross Smith made a fabulous contribution. In particular, I thought his contribution was notable because he alleged that among the various officers that the Premier appeared to have at his behest were the Speaker and Deputy Speaker. The member for Ross Smith has clearly forgotten that the Speaker and Deputy Speaker are officers of the Parliament, and it is absolutely fatuous for him to claim that they are in the hands of the Premier. What was so delightful was that, having started his speech, saying that the Speaker and Deputy Speaker were jobs at the behest of the Premier, he finished by saying that ultimately the House prevailed: in other words, completely undermining and pulling the rug out from underneath his own argument.

*Members interjecting:*

**The SPEAKER:** Order! The member for Ross Smith will come to order.

**The Hon. M.H. ARMITAGE:** The member for Ross Smith also talked about the opportunity for everyone to be appointed as a parliamentary secretary at a 20 per cent quantum increase. Of course, the member for Ross Smith would realise that the Premier has said that from a salary perspective—and the member for Hart identified that—the salaries have been so devised as to be cost neutral. So, you cannot have everyone being appointed and being cost neutral.

**Mr ATKINSON:** Mr Speaker, I rise on a point of order. Under Standing Order 170—

**Mr Brindal:** That's the wrong one.

**The SPEAKER:** Order! The member for Unley will remain silent.

**Mr ATKINSON:** It provides:

A member may not vote in any division on a question in which the member has a direct pecuniary interest, and the vote of a member who has such an interest is disallowed.

I will expand on my point just a little. It is not the Opposition's intention to call a division on the second reading, but it would be most inappropriate, given that all the members who are to benefit from this Bill—the four of them—have been identified by the Premier's press release, were they to be present in the House when we voted on the Bill.

**The SPEAKER:** The House will bear with the Chair while I take some advice. My advice, with which I concur, is that the appointment of any junior Ministers is a future appointment which has yet to have the concurrence of Executive Council. On that ground I do not uphold the point of order.

#### SPEAKER'S RULING

**Mr ATKINSON (Spence):** Sir, regretfully, I dissent from your ruling.

**The SPEAKER:** The honourable member must bring up his motion in writing. The motion of the member for Spence reads:

I dissent from the Speaker's ruling that the members for Unley, Davenport, Coles and Bright may vote on the division.

Is the motion seconded?

**Mr CLARKE:** Yes, Mr Speaker.

**The SPEAKER:** I advise the House that there will be one speaker for the motion and one against. The member for Spence.

**Mr ATKINSON:** I understand the basis of your ruling but, respectfully, I must disagree with it. I do so with some regret because I think your performance as Speaker over the past four days has been excellent and a vast improvement on the immediate past. The reason you gave for your ruling is misconceived in fact. The reason you gave for not upholding the point of order concerning Standing Order 170 is that the members of the House who are to benefit from the Bill have not been identified. That would be true if we were dealing with this in abstract. We are not doing that, because the Liberal Party room has decided to appoint four particular members, the members for Bright, Unley, Coles and Davenport.

It has announced that in a press release and, indeed, had them over at Government House to introduce them to the Governor. If it had just been a Liberal Party Room decision and had not been publicly announced, then we would not know who these people were. It would be a decision in the future for the Premier to make, and I would agree with your ruling, but in this instance we have a quite special circumstance that these people who are to benefit in a pecuniary way

from the Bill have been identified. Everyone in this debate has known who those people are to be. Indeed, they have identified themselves at some times during the debate by way of interjection.

*The Hon. G.A. Ingerson interjecting:*

**Mr ATKINSON:** The Deputy Premier has not been here for all the debate. He makes the point that when we vote ourselves onto parliamentary committees, as we did last week, the same principle applies, but the same principle does not apply, because that was a motion of the House. This is a Bill and that is the crucial difference. This is a proposed change to the law of the State, and the people who are to benefit from it have been identified. Given that it was not the intention of the Opposition to divide on the Bill, and I stated that at the outset of the debate, it seems to me that this unpleasant scene could have been avoided by the members for Coles, Bright, Unley and Davenport merely doing the right thing, the circumspect thing, the discreet thing, and leaving the House during the vote. That would have been the right thing to do.

*Mr Evans interjecting:*

**Mr ATKINSON:** We have not had a division but, by your incorrect and improper conduct, you are bringing on a division. If those four were to even now leave the House, then this could be dealt with in a proper and above board way. Standing Order 170 is very clear:

A member may not vote in any division on a question in which the member has a direct pecuniary interest, and the vote of a member who has such an interest is disallowed.

What greater invitation to a division, a division the Opposition did not seek, can there be than the improper conduct of these four members who could even now solve this problem by leaving the House, doing the right thing, being discreet and sensible? But instead, those of them who were not here came back in to provoke a division, to provoke this trouble. It is most unnecessary. Even now, I beseech you to rule in the clear terms of Standing Order 170, and I thank the member for Unley for now doing the right thing.

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

**The Hon. G.A. INGERSON (Deputy Premier):** Let me quote Standing Order 170 for all to understand. It says:

A member may not vote in any division on a question in which the member has a direct pecuniary interest, and the vote of a member who has such an interest is disallowed.

Mr Speaker, on many occasions in this House we debate things like the effect on parliamentary salaries, the effect on superannuation—every one of them involving an Act of Parliament—and I hope that the honourable member opposite is not suggesting that this Parliament cannot in any way change that situation, because if he is, he just does not understand this Parliament. What the Parliament is about is making sure that there is adequate public debate on these issues, which the honourable member as a lawyer of some note knows full well. Often in this House I have respected him for his legal view, but this is one of his most unusual and unbelievable stances.

*Mr Atkinson interjecting:*

**The Hon. G.A. INGERSON:** The reason I say it every time is that I did actually respect his view, but in this instance—

*An honourable member interjecting:*

**The Hon. G.A. INGERSON:** Yes, I might be the only one, but in this instance he is starting to prove to me that my

judgment is fairly poor. One of the things that is absolutely critical in all decisions made in this House is that, irrespective of what the Premier might have said publicly, nobody knows whether any of these people who have been mentioned publicly will subsequently be appointed to the positions. Nobody knows when we are doing it.

*Mr Clarke interjecting:*

**The Hon. G.A. INGERSON:** The honourable member opposite laughs about it. Does he realise that, if any members purport to hold a position in this House which they do not in fact hold, they lose their seat? Just look at the Constitution Act and you will find that that is in fact the case, and the reason I know that is that every member who it was suggested might take up one of these positions in the future has been warned of that constitutional position. Clearly, that situation holds for this particular debate. Let us take another ridiculous position. This means that no person who in fact stood last week for the position of Speaker, or any previous Speaker, could in fact stand for the position. It also means that every member on a committee—

*Mr Atkinson interjecting:*

**The Hon. G.A. INGERSON:** I might point out that the member for Spence made himself available for a committee. That is how absurd this whole exercise is. I might also point out that the honourable member opposite does in fact take his allowances. If we consider all of the allowances, remuneration and payments to members of Parliament, including superannuation, the whole process is flawed if the honourable member wins this particular vote. It is absolute arrant nonsense to suggest that the honourable member's argument has any validity at all. He knows full well, having been in this place for some time, what a direct pecuniary interest is, and this is just a typical legal farce that the honourable member opposite is putting forward. I know that the rest of his colleagues think it is a joke, and again I call on the House to recognise that clearly this is not a direct pecuniary interest. If it is, it means that all of us have to go out because of any other parliamentary decisions made in respect of salaries, allowances or anything else in question. I ask the House to reject the motion.

The House divided on the motion:

AYES (20)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

PAIRS

Olsen, J. W. Rankine, J. M.  
 Majority of 3 for the Noes.  
 Motion thus negatived.

**STATUTES AMENDMENT (MINISTERS OF THE CROWN) BILL**

The Committee divided on the second reading:

AYES (24)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K.
McEwen, R. J.	Meier, E. J.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

NOES (20)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

PAIRS

Olsen, J. W. Rankine, J. M.  
 Majority of 4 for the Ayes.  
 Second reading thus carried.

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

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

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

**Mr CLARKE:** If there are to be 15 Ministers, including four pygmy Ministers in this Chamber, will those four pygmy Ministers be subjected to questions during Question Time, and will they be required to answer those questions?

**The Hon. M.H. ARMITAGE:** My understanding is the same as that of the Attorney-General in another place, and I am absolutely sure that the member for Ross Smith would have read his answer. It is my understanding that they will be, but I believe that will be subject to an understanding between the Premier and the Minister.

**Mr CLARKE:** I put it to the Minister that the Minister should furnish a copy of any side agreement that the Premier has or proposes to have with any of these pygmy Ministers, because it is not good enough for this Committee to pass a Bill to increase the number of Ministers to 15 if this Committee does not know whether one or all of the pygmy Ministers will be required to answer questions and whether that is to be

subject to a side agreement between the Premier and those Ministers. Will the Minister furnish a copy of the proposed side agreement between the Premier and those Ministers? Unless this Committee receives a categorical assurance one way or another as to whether these so-called junior Ministers will be subjected to questions in this House and required to answer them, we should not agree to this clause. We must know what we are voting on.

**The Hon. M.H. ARMITAGE:** As I have indicated, it is my understanding that that will be the case. The question which the member for Ross Smith should ask is whether questions will be able to be asked about matters of public interest. The answer to that clearly is 'Yes'. The Opposition has no problem with asking questions of the Ministers who are responsible for these areas, as I have found over the past four years.

**Mr CLARKE:** I put to the Minister a very simple question: if, for example, the member for Coles is selected by the Premier to be one of the pygmy Ministers, as part of the conduct of her duties, any member of this House should be able to ask her a question about her performance in office and get a direct answer from her without having to go through one of the so-called super Ministers. Will that be the case?

**The Hon. M.H. ARMITAGE:** It is my understanding that Ministers will be able to take questions. Clearly, the Premier will have discussions with each of the Ministers, but it is my understanding that they will be able to take questions.

The Committee divided on the clause:

AYES (24)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

NOES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D. (teller)	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

PAIRS

Olsen, J. W.	Rankine, J. M.
--------------	----------------

Majority of 4 for the Ayes.

Clause thus passed.

Clause 6 passed.

Clause 7.

**Mr KOUTSANTONIS:** Does the Government have a job description or job specification for the office of paid parliamentary secretary to the Premier?

**The Hon. M.H. ARMITAGE:** There is no job description for Cabinet Ministers either, and that is—

*Mr Clarke interjecting:*

**The Hon. M.H. ARMITAGE:** Well, that is not what your colleague the member for Hart was saying not more than five minutes ago. In fact, he was lauding the job that Cabinet Ministers do. So, the answer is 'No.'

**Mr CLARKE:** The Bill provides that the Governor may appoint a member of Parliament as parliamentary secretary to the Premier. Does that mean that only one parliamentary secretary may be appointed, or can the Premier do as did the previous Premier and appoint 16 lance corporals, who can all pick up the 20 per cent loading? Are we limited to one parliamentary secretary to the Premier or is the Premier free, without seeking to amend the Act again, to appoint as many parliamentary secretaries to himself or herself as he or she chooses, and they all cop the 20 per cent loading for being a lance corporal?

**The Hon. M.H. ARMITAGE:** The answer is twofold. I am informed that one means one but, more importantly, the Premier has quite specifically identified that, if this Bill were to become an Act, the salary component would be cost neutral. The member for Ross Smith knows that; the member for Hart used phraseology such as that the Premier has been quite tricky in devising that quantum of remuneration. There is absolutely no way that more than one person could be appointed as a parliamentary secretary and keep the salary component neutral; that has been identified.

**Mr CLARKE:** Just so I can get it absolutely clear, the answer of the Government is that under this proposed legislation only one parliamentary secretary can be appointed to the Premier, no more; just one.

**The Hon. M.H. ARMITAGE:** That is my understanding.

**Mr FOLEY:** I raised an issue in my second reading contribution which I understand was also raised in another place, in light of the comments of the Auditor-General on the matter of the parliamentary secretary. If this measure becomes law you will have your parliamentary secretary, but as a Party you have also chosen to reward that person with membership of a committee of the Parliament. As will be provided by the new Act, that member must take an oath of office and will be a de facto member of Executive Government but will also be a member of Parliament on a parliamentary committee whose role and charter is to scrutinise Executive Government. In my view, there is clearly a blatant conflict of interest. I would like the advice of the Minister and more particularly his legal advice as to whether that is the case.

**The Hon. M.H. ARMITAGE:** As the honourable member identifies, that matter has been raised in another place. As I understand it, the Attorney-General is getting the Crown Solicitor to look at this. Much more importantly, the position and the committees of the Parliament are in the hands of the Parliament. If at some stage that was felt to be inappropriate, Parliament could change it.

**Mr FOLEY:** Given that acknowledgment that it is an issue that has warranted the Attorney-General's seeking a Crown Law opinion, would it not be prudent to hold over the appointment of the Hon. Julian Stefani as a parliamentary secretary as constituted by this Act until such an issue is rectified?

*The Hon. G.A. Ingerson interjecting:*

**Mr FOLEY:** Perhaps I am making an assumption. If that assumption is wrong, the Deputy Premier may feel free to advise the House. You might want to let him know before you tell the rest of us. Certainly, given the Auditor-General's reflection on the role of parliamentary secretaries as de facto members of Executive Government and their role in scrutinising

ing, will the Minister at least acknowledge that an argument exists, and will he hold over the appointment of that position until that advice is tabled?

**The Hon. M.H. ARMITAGE:** First, I believe that the Attorney-General is seeking the Crown Solicitor's view to confirm the view of the Attorney-General and of the Government that there is no problem. Secondly, the member for Hart is presuming an appointment. I would suggest that the Crown Solicitor's view will become known quite soon, and I am sure that in the fullness of time the Premier will take that into account in any appointment he may choose to make.

**Mr FOLEY:** Given the importance of the role of parliamentary secretary as it is now elevated in the legislation and this very important issue that has been touched on by the Auditor-General, will the Minister table that advice and make the Crown Law advice available publicly so that this Parliament can have a definitive piece of legal advice for this and any subsequent appointment in the future?

**The Hon. M.H. ARMITAGE:** The member for Hart knows full well that this Parliament has a long tradition of having a legal privilege for those sorts of documents. I am sure we will be quizzed about it and that the Attorney-General will be delighted to talk about it.

**The Hon. M.D. RANN:** Since the Auditor-General's Report came down last Tuesday, has the Attorney-General had any discussions with the Auditor-General as to his very clear recommendations regarding the constitutional position of parliamentary secretaries, particularly given that the Auditor-General's Report mentions one particular parliamentary secretary who was parliamentary secretary for recreation and sport, who was a member of the Public Works Committee considering a major project and who was also involved with the Soccer Federation? The Auditor-General made a clear recommendation that we avoid this kind of constitutional dilemma, so what is the rush to judgment? Have there been any discussions whatsoever with the Auditor-General in order to satisfy his clear concerns and recommendations?

**The Hon. M.H. ARMITAGE:** As I have indicated, the Attorney-General happens to believe that there is no conflict in this matter, and he is seeking legal advice.

**The Hon. M.D. RANN:** But the Auditor-General, who is an officer of this Parliament and who is also a very eminent lawyer, has made a clear recommendation, yet by going forward with this Bill we are basically saying to the Auditor-General that we are not considering his advice.

**The Hon. M.H. ARMITAGE:** As I have indicated, the Attorney-General believes there is no conflict. He is doing what is quite appropriate in the circumstance, namely, seeking advice from the Crown Solicitor. That is the standard procedure, which I am sure the Leader of the Opposition would have done on many occasions when on this side of the Chamber. If a matter of law was in question, he would seek the advice of the Crown Solicitor. That is exactly what we are doing. Further, the Auditor-General suggests that Parliament give consideration to regularising the appointments and functions of parliamentary secretaries through the passage of legislation, as we are doing.

**The Hon. M.D. RANN:** My final question again gets back to the nub of this: has the Attorney-General had a discussion with the Auditor-General about these recommendations—yes or no? Has he had the discussion? We are talking about the Crown Solicitor. The Crown Solicitor does what the Attorney-General instructs him to do. He is not the Solicitor General—the two are quite different in terms of their functions. Has the Attorney-General had a meeting with

or spoken to the Auditor-General to discuss his recommendations relating to the appointment of parliamentary secretaries?

**The Hon. M.H. ARMITAGE:** I am unclear about that, but I do not think it is pertinent to the discussion. The Crown Solicitor is giving a legal view on a matter which the Attorney-General believes does not present a conflict of interest.

**Mr CLARKE:** Following up the points of the Leader and the member for Hart, we have a situation where the Minister is telling us that the Attorney-General has been sufficiently moved by this argument in another place to seek advice from the Crown Solicitor. The Crown Solicitor's advice will be known only to the Cabinet because it will not be made available to the Parliament as a whole. We could have a situation where a parliamentary secretary, in receipt of a 20 per cent loading, was also a member of a parliamentary standing committee in another place, also earning whatever the allowance may be for that committee, when the Auditor-General has already made a report this year that such a situation creates a potential conflict of interest. It would seem eminently reasonable to wait until such time as the position is absolutely crystal clear from the Crown Solicitor, whose advice ought to be made available to the Parliament as a whole so that we can see clearly the advice to the Government as to any conflict or potential conflict of interest that may arise, particularly given the Auditor-General's Report in this matter.

The Government is expecting us to act blindly in good faith, allow the legislation to proceed and, if there is a hash—as inevitably will occur given the track record of this Government over the past four years—we will have problems of conflicts or potential conflicts of interest.

Will the Minister give an assurance to the Committee that the Premier will not be making any appointment of parliamentary secretary to himself until such time as this issue of conflict or potential conflict of interest has been resolved and the Parliament advised as to the legal advice the Government has received on the matter?

**The Hon. M.H. ARMITAGE:** I am absolutely confident that the Premier will be seeking the Attorney-General's advice on this. It is exactly the reason for the Attorney-General's seeking a further opinion—to confirm what the Government believes is a perfectly legitimate potential appointment only. I stress that it is 'potential' and I know the member for Ross Smith would not presume the appointment. In essence, around the Cabinet table or in leadership meetings the Premier determines from the Attorney-General whether there is a problem. If the Attorney-General says, 'I think there might be', I am absolutely confident that the Premier would not make an appointment and, if the Attorney-General says that he is confident there is not a problem, I believe the Premier would go ahead.

Clause passed.

Clause 8.

**Mr KOUTSANTONIS:** Will the five non Executive Council Ministers have access to the chauffeured car pool?

**The Hon. M.H. ARMITAGE:** That has been made quite clear in all public discussions and in another Chamber. I understand that the five Ministers will have access to cars for official business, for attending functions and so on, as one would expect, with Ministers.

**Mr CLARKE:** We have a situation under the legislation whereby the Governor may appoint a Minister as the delegate Minister of another Minister. To give a real life example, the member for Davenport is the Minister for Police, whom I do

not regard as a junior Minister. He is the junior Minister to the Attorney-General. Subsection (2) provides:

A Minister appointed under subsection (1) as the delegate Minister of another has all the functions and powers of the other Minister.

First, we have a pygmy Minister but, because they have been appointed under subsection (1), they can carry out all the functions of a super Minister, including that of Attorney-General. So, we have the member for Davenport as a pygmy Minister also able to act as a super Minister.

**Mr Evans:** As a super pygmy.

**Mr CLARKE:** As a super pygmy, as the member for Davenport rightly points out.

**The Hon. G.A. INGERSON:** Standing Orders suggest that no member can reflect on another person and I believe that statement by the member for Ross Smith is objectionable and should be withdrawn.

**The DEPUTY SPEAKER:** Order! I uphold that point of order. The member for Ross Smith has had his little bit of fun on this.

**Mr ATKINSON:** Sir, are you ruling that the expression 'pygmy' is unparliamentary?

**The DEPUTY SPEAKER:** Order! I am ruling that I agree with the point of order made by the Deputy Premier—

**Mr ATKINSON:** So, you are ruling that it is unparliamentary for the future?

**The DEPUTY SPEAKER:** It is not necessarily unparliamentary. Will the honourable member withdraw it?

**Mr CLARKE:** In deference to you, Sir, I withdraw the word 'pygmy'. As an act of good faith, I withdraw it. Under subsection (2), a junior Minister, who is acting as a delegate of a super Minister, can carry out all the functions of the super Minister but not receive the same rate of pay, be a member of Executive Council or swear the oath of fidelity, but the super Minister is not as a result prevented from carrying out or exercising either the functions or powers. Frankly, it is a dog's breakfast.

**The Hon. M.H. ARMITAGE:** It is no different from the situation when Ministers go on holidays. It is exactly the same. Here the delegate Minister has all the functions and powers of the other Minister which the other Minister has delegated to the delegate Minister and some powers will not be delegated. The other Minister—the Cabinet Minister—is not as a result prevented from carrying out or exercising any of the functions or powers. It is no different from the situation if I go away on leave with my family over Christmas: if I am away for 10 days and get back after nine, I can still sign dockets on the tenth day even though I might have an acting Minister. I am still able to sign dockets with my powers, and that is the same as under this clause.

**Mr CLARKE:** Does this mean, giving the example of the Attorney-General and the member for Davenport (if he is appointed as the junior Minister), that even though the Attorney may not be on leave or absent from the State, automatically the Attorney would have the right to override the member for Davenport in the exercise of his authority as Police Minister or Emergency Services Minister? In other words, if the Attorney-General for some reason disagrees with a decision made by his junior Minister, can that decision be automatically overruled if that is the wish of the Cabinet Minister?

**The Hon. M.H. ARMITAGE:** If you take the example of a Cabinet submission, in the example you have used the Minister for Police may choose to put in a submission to Cabinet which will go in through the Attorney-General and

he would then have the functions and powers of the delegate Minister. There is nothing sinister in this: it is a parliamentary counsel lawyer's way of describing a perfectly reasonable example between two people who are exercising power for the betterment of South Australians.

**Mr KOUTSANTONIS:** Will non Executive Council Ministers be expected to answer questions without notice in Question Time? If the answer is 'No', is that because the Government does not have faith in the Ministers to answer those questions competently?

**The Hon. M.H. ARMITAGE:** I think I have answered that on at least three other occasions, but I repeat my answer: my understanding is that they will be able to answer questions.

Clause passed.

Clause 9 passed.

Clause 10.

**Mr KOUTSANTONIS:** Will the Government table in the House the so-called side agreement made between the non Executive Council Ministers and the Premier in lieu of the former's taking the oath of fidelity? Have the side agreements already been drafted?

**The Hon. M.H. ARMITAGE:** They have not been drafted and I would not imagine they would be tabled.

**Mr CLARKE:** Following on from the Minister's answer, I find it rather extraordinary that the Premier could have a side agreement. At the moment, we have a situation where Cabinet Ministers swear an oath of allegiance and an oath of office. That is done publicly and it is known to all what their oath is and to whom their allegiance is. In so far as clause 10 is concerned, the Premier could, in fact, simply as a side agreement, say, 'You will support me in my job as Premier and that is what I expect you to carry out. That is what I demand. That is the side agreement', rather than any notion of actually having an allegiance to carry out their office and duties lawfully and in accordance with the laws and Constitution of the State.

**The Hon. M.H. ARMITAGE:** It is important to identify that all Ministers will be swearing the oath of office, which is what Cabinet Ministers swear in the first instance, and that Executive Council members will swear the oath of fidelity. That is the difference. The member for Ross Smith should know, perhaps more than others because of his long experience in politics, that those commitments are changeable, so that there is no guarantee in this regard if the situation he described were true, but it is not. The simple fact is that the agreements will be on matters such as the functions that the Premier expects of a particular Minister. That is not in any definition. The function and role of a Cabinet Minister is not in any document of the Parliament. We all know what Cabinet Ministers do; indeed, the member for Hart probably knows better than most. Factually, this will be an agreement as to the role and functions of the Minister.

Clause passed.

Clause 11.

**Mr KOUTSANTONIS:** Can the Government itemise or outline the savings of \$8 million claimed to accrue from the ministerial/Public Service restructuring?

**The Hon. M.H. ARMITAGE:** They are being detailed at the moment.

Clause passed.

Schedule and title passed.

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

*That this Bill be now read a third time.*

**Mr ATKINSON (Spence):** It was the Opposition's intention not to divide on the Bill and we certainly will not be dividing on the third reading. We support the idea that the Government can make its own administrative arrangements, however misguided we believe those arrangements to be. Nevertheless, the Opposition took the view that it was highly inappropriate pursuant to Standing Order 170 that the members for Coles, Unley, Bright and Davenport were present in the Chamber when the Bill was voted upon, and that was the reason we divided. I give the member for Unley full credit for doing the right thing by leaving the Chamber during the debate.

**The SPEAKER:** It is not relevant to the third reading of the Bill.

**Mr ATKINSON:** I was merely explaining why the Opposition divided on the second reading and why we will now acquiesce in the Bill.

Bill read a third time and passed.

**The Hon. R.B. SUCH:** I rise on point of order. During division No.1, I was omitted from the list of Noes. I was actually sitting in the seat usually occupied by the member for Playford but was omitted from the Noes. I ask that my name be recorded as one of the Noes to bring the total to 24 in division No.1.

**The SPEAKER:** The Chair notes your point of order and will take it up with the Clerks at the appropriate time to ensure that the matter is recorded in *Hansard*.

### SANFL GRAND FINAL

**Mr FOLEY (Hart):** I seek leave to make a personal explanation.

Leave granted.

**Mr FOLEY:** Earlier tonight, in the maiden speech of my colleague and friend the member for Lee, he made the assertion that I was somewhat delighted and excited at the grand final victory by Norwood. As a one-eyed Port Adelaide supporter, I would like to explain that I was absolutely devastated.

**The Hon. M.H. ARMITAGE (Minister for Government Enterprises):** I am a Redlegs man. It was a great victory, and I am glad that Macca got the medal.

### ROAD TRAFFIC (SPEED ZONES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).  
(Continued from page 133.)

**Mr ATKINSON (Spence):** For as many years as I can remember the speed of vehicles travelling past schools has been regulated by pink or red 'School' flags placed on an angled pole in the morning and again in the afternoon, coinciding with children arriving at and leaving school. These flags worked in conjunction with fixed 'School' signs at the start of the school speed zone and a fixed 'End school limit' sign at the end of the school speed zone. The speed limit was fixed by section 49(1)(c) of the Act which said that the maximum speed was 25km/h. It provides:

... at a time when children proceeding to or from schools are on that portion of the road.

I thought this was quite a good system. When the pink or red flags were out it was a school day. When the pink flags were not fluttering it was not a school day and the speed limit did not apply. The Minister and her department did not regard this system as satisfactory, because the signs and flags did not nominate 25km/h as the limit, nor nominate the times the limit applied. From the start of the 1997 school year a new system was tried. Fixed signs were erected on roads outside schools throughout the State. There are two signs on each pole: one nominates the speed limit and the other nominates the times at which the speed limit applies.

The Minister argues that this system is preferable because it supplies motorists with more information. I have had complaints from a constituent that the lettering is so small it was not legible from a moving motor vehicle. The new system no longer relied on section 49. Instead, its authority rested on section 32, which allows the Minister by notice in the *Government Gazette* to designate an area as a speed zone and fix a speed limit for that speed zone. These zones must be marked by signs at the start and finish of the zone. What is the problem with the changed system that the Government is seeking to remedy? The problem is that speed limits under section 32 apply all day every day. There have been claims that motorists have been fined for driving at more than 25km/h outside schools at times when school was not in. The South Australian Police deny this but the Opposition has some evidence that it has occurred.

The Minister proposes this Bill so that the school speed limits shall be confined to the hours nominated on the signs. This is achieved by inserting in section 32 a new subsection (2a):

The Minister may limit the operation of a speed limit to specified periods.

I must agree with the Government that speeding fines issued this year under the new scheme are not vulnerable to challenge in the courts. The Bill also repeals paragraphs (c) and (d) of section 49(1). These were the paragraphs that authorise the old school speed limits that I mentioned when opening my remarks. The Government says that these paragraphs are redundant. Although the Opposition does not think that speeding fines issued at the times when school was not in are morally justified, it is clear they are legally justified.

The Government says it is reconstituting the Pedestrian Facilities Review Committee to consider these signs. The Opposition suggests to this committee that it consider the legibility of these signs, the inconsistency in the times nominated on the signs and whether the signs are so close to the schools that they do not allow sufficient time for deceleration. The Opposition acquiesces in the Bill.

**The Hon. R.B. SUCH (Fisher):** I will make just a brief contribution. I am pleased that this matter is being addressed. Much confusion and concern have been expressed within my electorate about school speed zones. Some of the confusion results from the signs operating on school days and obviously at different hours of the day. We now find that some institutions have them operating basically all day. Clearly, there is a question involving tourists and the matter of whether or not they would be aware of a particular school day. There is also the problem of being aware of precise times, because many of the times are expressed not only in hours but also in minutes. There is also the issue of pupil free days: is it a school day in terms of the meaning of the law?

I suggest, as I have done in the past (and I trust the Minister will consider this), that we have the one exception to the current colour coding and that we use burnt orange in relation to 'School' signs. This is done in Victoria and Western Australia on major roads and I believe we can do it here. Although with those signs I understand the colour fades more quickly than with the yellow signs, it is the one exception that should be allowed. Consideration should be given to painting on the road surface the appropriate warning when motorists are approaching a school speed zone. I accept that in relation to the last point we have to be careful with regard to motor cyclists but, with today's technology, I believe it is possible to paint on the road an appropriate warning so that people are quite clear that it is a school speed zone.

It needs to be clear that care and responsibility still apply when children and others are entering or leaving a school outside of conventional hours. As I understand it, the old provision was designed to ensure that, for example, if children were leaving a school concert after normal school hours, they would still have the protection of a reduced speed limit. That matter should also be addressed as a matter of urgency.

**Ms STEVENS (Elizabeth):** As the previous speakers have already outlined, the Bill is about clarifying issues and clearly providing for the operation of speed zones that apply only at certain times of the day. I certainly understand the reasons why the changes were made originally to the flags and the original signs. As other members have done, I would like to mention some of the issues raised with me which I hope will be taken up by the Minister when the Pedestrian Facilities Review Committee addresses the school safety issues and the standardisation of these signs. I, too, have been besieged by constituents complaining about the signs, and I want to cite one particular incident involving a constituent who was booked for speeding in a school zone at 10 a.m. and incurred a speeding fine of \$170. She was furious and telephoned my office about this. I would like to read to the House the letter I wrote to the Hon. Graham Ingerson, because it highlights the problems.

*Members interjecting:*

**Ms STEVENS:** Members suggest that I should have written to the Minister for Transport but the problem was that my constituent wanted the speeding fine waived, and that is why it went to the other Minister. I wrote:

Her problem with this incident involves the confusion caused by having three different kinds of school crossing within an area of less than one kilometre. . .

1. Adjacent to Fremont-Elizabeth High School there is a zone marked with a 25km/h speed limit sign, with a smaller sign underneath saying, 'Between 8 a.m. and 9 a.m. and 3 p.m. and 4 p.m.' After approximately 100 metres it reverts to a 60 km/h speed limit sign.

2. Adjacent to the Elizabeth South Primary School there is a zone featuring lights that flash '25' and a sign that says, '25 km/h limit when lights are flashing'. It does not specify when this is likely to be, so the presumption is that it is at the same time as Fremont-Elizabeth City High School—between 8 a.m. and 9 a.m. and between 3 p.m. and 4 p.m. Likewise, the presumption that outside these times normal speed limits apply.

3. There appears to be some sort of preschool or day care centre here, and once again, there is a zone marked with a 25 km/h speed limit sign, just like the one behind Fremont-Elizabeth City High School. However, you have to read this sign carefully to note that it says, 'Between 8 a.m. and 1 p.m. and 3 p.m. and 4 p.m.' As a result of this subtle difference, drivers are passing through this zone just as they do for the Fremont-Elizabeth City High School zone outside the usual times—at 60 km/h.

After receiving that telephone call my assistant drove over to that road to have a look. She told me that at that time there was no-one driving through the area at under about 50 km/h and that those who appeared to have been slowed down were slowed by seeing the police car rather than by seeing the signs. She stayed there for half an hour or so observing this. When she came back and reported this, it was really quite obvious that there was tremendous confusion about the fact that there were three different signs within that very short distance of one kilometre.

If we are considering road safety, both for children and motorists, what is very important is that we have consistency and clarity in the signs. I have noticed that you have to slow down and take your eyes off the road so that you can clearly read the sign to work out exactly for which time zone the speed limit is applying. I am pleased to see in the Minister's second reading explanation that the Pedestrian Facilities Review Group will be reconstituted. I certainly hope that, when that group meets again, we will see clearer and more consistent signs so we can have a safer situation both for motorists and children.

**Mr BRINDAL (Unley):** I am fortunate enough to be a current member of the Pedestrian Facilities Review Group, as I was when it put up some initial proposals, including the installation of the new wombat crossings, which are proving most successful. I would assure all members of the House, especially members opposite, not only has the Minister promised to reconstitute the group but that we have already had a couple of meetings. I assure all members that every member of the Pedestrian Facilities Review Group is acutely aware of the issues that have been raised by members on this side of the House as well, legitimately, as members of the Opposition.

There are two really worrying things about the current operation. First, the new regime was in fact to enhance standardisation. The member for Elizabeth noted correctly that, until two or three years ago, there were three or four different types of school crossings. This was a legitimate effort to create a more uniform system of two types—the flashing lights and speed zones. Where it has come badly unstuck, and which members have all highlighted, is that, with respect to every school, it is 'pick a speed zone time'. Committee members were shown the spread of time for speed zones, and it is absolutely remarkable. There are hundreds of variations but, if you choose a 1½ hour period both in the morning and in the afternoon, about 95 per cent of schools would fit into it. They all have these subtle variations, but most are around the standard time.

I will not detain the House, other than to say that the Pedestrian Facilities Review Group is acutely aware of the problems raised by members. I absolutely undertake to pass *Hansard* on to all members of the group so they are aware of the comments raised by particular members, because they reinforce our efforts. I would also point out that the member for Elizabeth and the member for Spence correctly highlighted that there is now so much on the school sign as to become confusing. The member for Elizabeth said quite correctly that you have to stop, read the thing and then move on. It is becoming painfully obvious that, if you have these signs, a simple clear sign which people understand is much more effective than a little sign which you first must comprehend, read the instructions and then proceed.

Despite that which is all relevant, the purpose of this Bill is to qualify beyond doubt within the law that a speed zone



can be held to apply for a particular time. The problem was that there was a feeling that perhaps while a Minister could fix speed zones the Minister was not permitted to fix times for a speed zone. The zone life had to be proclaimed but not a time. I believe it is for no other reason than to establish beyond doubt, within the law, the intention of this Parliament as has been the intention for many years that, at certain times of the day, when you are driving past a school, we as a Parliament have the right to say to the citizens of this State that certain rules apply. There are kids there and they deserve protection, so drivers have to observe these rules. That is the purpose.

In closing, I would record how much I think this Minister has contributed to the safety of children. I acknowledge this is a glitch and a problem, but I am absolutely confident that this House, the committee and the Minister will address it and we will end up—

*Mr Atkinson interjecting:*

**Mr BRINDAL:** Because I say 'this House' will address it and we will end up with a much safer regime for our children on the roads.

**The Hon. DEAN BROWN (Minister for Human Services):** I would like to thank members for their contributions to the debate. A number of members have made suggestions as to how these various speed zones at schools can be improved. I have made my own suggestions to the Minister. I know that the Minister is very keen to make sure that they operate effectively, and that is the reason for the amendment before the House. Therefore, I will refer to the Minister the various suggestions that have been made in the Parliament this evening.

I would also bring to the attention of the House a promise that the Minister made in another place. The Minister undertook to confirm how much money had been collected in revenue from speeding fines relating to school zones, and how many of these fines were incurred by people confused by the new signs. Of course, the Minister cannot indicate the latter part of that, because she would have no information as to whether or not people were confused by the school signs. She is able to indicate, however, that the total amount collected is \$892 275. The Minister in another place undertook to table that information in the Lower House, so I do so on her behalf.

The key point is that all members of Parliament would like to make sure that we have the most effective speed procedures past schools for the safety of all the children. Members of Parliament for many years have been in a position to receive comment, both from the schools and the public, in terms of how effective many of the school crossings and speed zones are. There have been attempts to achieve uniformity around Australia. This is part of that attempt. There have been procedures to make sure that there is greater certainty. There has been confusion in the past when the law simply required a student to be on the footpath in the near vicinity of the school. That in itself could be extremely confusing, and I know of cases where people have driven past a school, they have believed there have been no students whatsoever on the footpath adjacent to the school, yet they have been penalised for speeding past the school.

*Ms Stevens interjecting:*

**The Hon. DEAN BROWN:** Quite unfairly. I know of one particular case. It was not me but someone I know reasonably well. They took the matter to court. I think the court dealt quite unjustly with the case in the way it was handled. They

did not ask for the evidence. There was no evidence of a child being on the footpath. It would appear that the court decided to uphold the fine, even though there was no child on the footpath.

Frankly, it would appear that the person who handed down the judgment did not even understand the law as it stood. However, the Minister has attempted, with officers from the Department of Transport, to achieve a more satisfactory outcome. She is very willing to listen to advice to achieve greater consistency and a more effective outcome, and I appreciate the contribution made in the House tonight.

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

### **MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES) AMENDMENT BILL**

Adjourned debate on second reading (resumed on motion).  
(Continued from page 132.)

**Mr ATKINSON (Spence):** The Bill remedies a Legislative blunder, of which the Minister for Transport and her Legislative advisers ought to be ashamed. An amendment Act of 1995 introduced new registration fees for heavy vehicles, calculated by reference to a Commonwealth Act. A further amendment Act of 1996 changed the arrangement for the fee so it was calculated by reference to State regulations under the Motor Vehicles Act. The Act was proclaimed and the fees continued to be collected from 1 July 1996 in the new way. Alas, the State regulations did not exist, so the fees were unlawfully levied from 1 July 1996. When the Government woke up to the problem on 23 September 1997, it moved swiftly to promulgate regulations the next day. So, the fees have been validly collected since 24 September 1997. The Bill is retroactive in the purest sense. It seeks to validate the fees charged between 1 July 1996 and 24 September 1997. Although the Opposition deplores the Legislative incompetence and carelessness of the Hon. D.V. Laidlaw, we shall acquiesce in the Bill.

**Mr VENNING (Schubert):** I rise in support of this Bill which, as the member for Spence just said, is very simple, but certainly very necessary to the Act to ensure that the provision for collection of registration fees in relation to heavy vehicles is quickly written into this Act. I appreciate the cooperation of the Opposition in this matter. It was an oversight which certainly had to be acted upon.

I have spoken at length on the topic of these national heavy vehicle registration charges in the past, and it is on the record. Although I am in favour of uniform national charges and generally agree with the principles of the Act, I still firmly believe that there is one aspect that is still quite unfair, so I never let an opportunity go by without raising this issue. I hope that the new members of the House will listen to my logic and support my idea.

When these charges came into effect there were some major winners and also some major losers in relation to these fees. The Act fails to differentiate between heavy trucks that are frequently used on the roads and trucks that are only occasionally used, irrespective of the weight. The fees are based on the weight of the vehicle and the configuration—that is, the number of wheels, where the weight is and what it is towing—and no account is taken of the fact that a truck of a similar weight and configuration may be on the road only occasionally. There could be a situation where trucks owned

by freight companies never stop—in fact, they only stop to change the oil, for servicing, or to have an overhaul. The same kind of truck could be owned by a farmer or a fruit grower, or whoever, and could travel 2 000-5 000 kilometres a year, periodic use, and yet they pay the same amount of registration. So, I believe that it is quite an inequitable situation and that it is unsustainable. There really does need to be a proper user-pays system.

When the Australian national standard was introduced there were some very large increases in the registration of farm trucks. Some of my constituents reported that the cost of registration of their trailers had increased from \$50 to about \$500, which is a massive increase. Subsequently, the introduction of seasonal registration certainly has enabled some farmers to reduce this fee somewhat. However, there are some farmers where very occasional use continues over the whole year. They have not been able to avail themselves of the use of the seasonal registration effectively, so they have to leave it over the whole year. So, that was not of benefit to them.

I know that the Minister has a lot of sympathy for this principle. She has been to national conferences concerning this aspect—that is, to the National Road Transport Commission. However, I am afraid that Ministers in other States will not support this principle. So, I believe that it is quite inequitable that a person owning a truck who uses it only occasionally, compared to a person owning exactly the same vehicle and using it full-time on the road, doing up to 200 000-300 000 kilometres, pays the same registration fee. I believe that we do need a much more equitable user-pays system, and the way in which we do that is to put a tax on the fuel used so that, when the vehicle is being used, as the fuel goes in, people are taxed accordingly. I have always supported lowering the level of the heavy vehicle registration fee and increasing the tax on the fuel, which is usually diesel.

I will continue to push for a change to a more equitable user-pays system for registration fees on heavy vehicles, and I have taken this opportunity to raise this issue once more. Just like a drop of water falling on a pebble, I hope that we will eventually see reason, because I believe that most members of the House believe in fairness and equity and, like everyone, I believe that if I am a user I should pay. In this instance, some people who do not use their vehicle are being unfairly charged to pay for someone else's privileges, because other people are using and wearing out the roads much more. I fully support the Bill.

**The Hon. DEAN BROWN (Minister for Human Services):** There have been two speakers, and they have both made a brief contribution to the debate. I particularly appreciated the contribution from the member for Schubert. In terms of the Opposition, it seems to be more intent on wanting to make a political point. It has made that political point. I would now urge all members of the House to support the legislation.

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

#### **GAMING MACHINES (GAMING VENUES IN SHOPPING CENTRES) AMENDMENT BILL**

Adjourned debate on second reading (resumed on motion).  
(Continued from page 132.)

**Mr FOLEY (Hart):** I am the lead speaker for the Opposition on this Bill. As the Leader of the Opposition and, as I understand, the Premier have said, this issue is a matter of conscience for all members of the House, so in that spirit my contribution will be as a private member. I have referred to what I consider to be the somewhat erratic behaviour in policy and political terms of the Premier since the election. I mentioned earlier tonight that his decision to expand the ministry from 13 to 15 was very erratic behaviour and politically motivated. His decision to consider moving a no-confidence motion in his own Government before we had even sat in this place I also found somewhat erratic.

**Mr VENNING:** I rise on a point of order, Mr Speaker. I ask you to rule on relevance.

**The SPEAKER:** Order! There is no point of order. The member for Hart.

**Mr FOLEY:** Thank you, Sir. It is good to see that I have got them after me already. The third element of erratic behaviour was the Government's or the Premier's decision to frame this legislation. Poker machines have been copping a fair bit of stick in this place, within the media and the community, and throughout industry. It is clear that the Premier on, I think, 17 August in the countdown to the election was feeling somewhat pressured regarding what he considered to be a number of pressure points on the issue of poker machines. On that day, he chose to announce a broad policy position for the Government. From recollection, that was that there shall not be any poker machines in shopping centres.

On the surface, that did not seem to be an unreasonable statement. My recollection is that the connotation of what the Premier said was that we should not allow a proliferation of poker machine establishments in shopping centres, that we should not have wine bars or taverns, or for that matter shopfront poker machine dens, in shopping centres. West Lakes is my nearest shopping centre, and I could think of nothing more inappropriate than having a poker machine facility stuck between the fruit and vegetable shop and Woolworths supermarket. Clearly, that would be inappropriate.

However, the legislation as drafted by the Premier is not that simple. Clearly, when the Premier went to frame the legislation he found that he had a number of problems in addressing what he saw as the evil in poker machines in terms of excluding them from shopping centres. So, he has drawn up a piece of legislation that bans poker machines in hotels within shopping centres. When you look at the definition of 'a shopping centre', you see that it is not just the physical structure but it includes the car park and, if a hotel is part of a strip shopping centre where you have multiple shop-fronted tenants, poker machines are banned.

For the information of members, we would not have the Arkaba Hotel today if this law had been around a few years ago; we would not have the Woodcroft Tavern, Hollywood Plaza or the Castle Tavern. There are 22 plus hotels and establishments that simply would not be here today under this legislation. For those members opposite who are keen, as is the Opposition, to see the Holdfast Shores development go ahead, under this legislation the hotel to be established there would be prohibited from having poker machines.

Many members on both sides of the House will have different views, but as a private member I believe that this is where it starts to get silly. This is where the measure ventures into putting into legislation poor planning law, because I would have thought that all local members who are here

tonight, if given a choice in the location of a hotel, would prefer, as would I, to have a hotel off the main road away from residential homes and where there were plenty of car parks. I do not know about other members' electorates, but I do not think that too many of the hotels in my electorate meet those criteria. Most of them are older hotels built a long time ago, most of them create parking problems, most of them are in built-up residential areas, and from time to time many of them cause me as the local member to receive complaints. I would have thought that, where we could use the planning law to have hotels situated in a shopping complex—not in the middle of a shopping mall but on the boundaries of such a centre—that would be sensible planning law. Clearly, the Premier does not.

Also contained within this legislation is a bit of retrospective law. A developer at Marion in mid to late 1994 decided, no doubt with the encouragement of the Westfield Shopping Centre during its upgrade, to erect a tavern in that shopping complex. I am advised that in mid to late 1994 the development phase began. Throughout 1995 and 1996 the development phase continued. Negotiations were completed in mid to late 1996, over a year ago. By late 1996-97, with the development finalised, they then moved to the next stage of lodging their application for a hotel and gaming licence with the Liquor Licensing Commissioner on 12 August. Two days later the Premier had a lightning bolt of brilliance—ill thought out, ill considered policy on the run—and he decided to make his statement to the newspaper. Suddenly, that statement became holy writ. From that day forth any developer out there should know that 'Look out, I'm coming through Premier Olsen' was not going to allow that to occur.

In this instance, the developer had followed the law of the day for over two years and had lodged the application prior to the Premier's statement. However, the Government's legislation, which was approved by Cabinet, voted on and approved within your Party room, knocked out this developer. Members opposite stand condemned for a number of reasons. First, a week ago, when I as shadow Treasurer argued that to defeat a rorter of land tax we should consider the use of retrospective legislation as a strategic initiative, I was lectured by all of you—

**The SPEAKER:** Order! The honourable member should direct his remarks through the Chair.

**Mr FOLEY:** —or by many members opposite, on the evils of retrospective law. At the same time, a piece of law was introduced in the other place that was so blatantly retrospective that it jumped out of the Bill and slapped you in the face, but that was okay. Members opposite voted for that. I don't know about the Cabinet because of Cabinet solidarity, but clearly enough voted in Cabinet to support it, and your Party—

*Mr Evans interjecting:*

**Mr FOLEY:** It was a Cabinet agreed Bill. It was signed off by Cabinet. Learn a bit about Cabinet procedure before you become a Minister. It then went to the Party room, and the Party room endorsed this legislation. So, you were not prepared to support retrospective tax law to catch a tax cheat, but you were prepared to support retrospective law to knock off a developer who had obeyed the law as it stood for over two years. For that you stand condemned, and for your hypocrisy and your misuse or attempted misuse of retrospective law.

It was only through the efforts of members in another place—most of whom, if not all, were members of the Labor Party—together with the Australian Democrats that it was

made clear that you would not get away with this piece of nasty, crooked, retrospective, single-minded law, that it would get knocked off—as it did.

Another matter on which you stand condemned is that you lecture the Opposition about how to treat a developer, how to go about due process for the development of the Holdfast Quays project, not standing in the way of development or what you consider to be proper process, but that did not stop you from using the arrogance of your numbers to crunch a smaller developer who had done everything right.

**Mr Conlon:** He should have avoided his tax; he would have been all right.

**Mr FOLEY:** Exactly; if the poor developer had rorted his tax, you would have been happy with that but, because he complied with proper development law, that simply was not right. Members opposite stand condemned for their hypocrisy over the way they lecture the Opposition about how we should treat development law with respect to the Holdfast Quays project, when it made a nasty piece of public policy in the way it treats a developer who is complying with the law as it stood. When you look at the hotel development in question, you see that it was not some sleazy little wine bar stuck between Tom the Cheap and Woolies in the Westfield Shopping Centre: it was a \$3 million to \$4 million development on the second floor of the Westfield Shopping Town in the precinct designated entertainment and leisure. It was well away from any major shopping area, it had a very significant car parking space and it opened up onto the concourse of the shopping centre. It was clearly an appropriate place to put a hotel but, because we have a Premier who makes policy on the run, because we have a wounded, all but defeated Leader of the Government, he thought, 'I need to show a little bit of political toughness and show how tough I am.'

**Mr Venning:** What a load of rubbish!

**Mr FOLEY:** The member for Schubert says, 'What a load of rubbish!' He is the very same member who last week opposed the Opposition's move for retrospective law in respect of land tax, because he said it was wrong, bad law and should not occur. The member for Schubert stands condemned for supporting tax cheats but not a developer. This is my view at the moment and I would hope that my colleagues in the Opposition would express similar views.

**Mr Venning:** That's ridiculous!

**Mr FOLEY:** Why is it ridiculous, the member for Schubert? It was when it was in the other House, when it was in your Party room, when it was supported by your Cabinet and when it was supported by your Premier. It went through the Cabinet; it was a Government Legislative process. It was Government legislation which was endorsed by Cabinet and on which the Premier allowed a conscience vote. But it is still a Government Bill; we are debating it in Government time. It is not a private members' Bill. You are hypocritical with your policy positions in respect of issues such as land tax and this development.

I am not sure whether the Attorney-General was present when the other Chamber debated this retrospective legislation, but we should look at what the Attorney-General has said in other debates in respect of anything to do with retrospective law and, in some cases, when it involved another developer. Regarding retrospective law, he spoke of 'the grossly unfair effect the proposed legislation would have on the Adelaide Development Company'. In another debate he referred to 'the importance of the principle of the inappropriateness of retrospective legislation'. Talking about 'holding out the integrity of the law', in debate three or four

years ago he went on to give every reason why retrospective law was evil.

*Mr Venning interjecting:*

**Mr FOLEY:** If the member for Schubert was listening, he will know that I have already explained that I will cast my vote and speak in Committee on that clause. I do not support poker machines situated in ill-conceived locations such as main shopping precincts, but I have no problem with a hotel being located within a shopping complex away from the main shopping centre: I think that is sensible planning law. The Premier would have been better advised to approach this issue through the Liquor Licensing Act, tightening provisions or putting impediments in place for licences to be granted for venues that may be considered inappropriate within the precincts of a shopping centre, not to have attacked it by trying to prescribe this in the gaming Bill.

It is silly law, consistent with the erratic and somewhat odd behaviour the Premier has exhibited since being re-elected by introducing into this place very ill thought-out law. The member for Hartley can shake his head, but had he been following the debate of the night he would have realised that there is some very silly law before this Parliament. I would argue that this is very silly law. I may be condemned and criticised by many for saying that, but I consider it to be silly law, because it does not properly address the issue at hand; it is creating further complications. In the future, as we build communities further south and north, where there are opportunities to build shopping centres that have adequate car parking, they would be appropriate sites to locate a hotel, provided that, if possible, it was not attached to but was well away from the main shopping centre, as we see in other shopping centres around Adelaide. They would utilise the car park and be sited away from residents. Of course that can happen, but one would not be able to have pokies there. This is silly law. The Premier stands condemned. It was silly law; it was defeated in another place.

While I am addressing this issue I would make a couple of other important points. Poker machines and the poker industry have copped a fair bit of stick of late. No doubt they will cop a bit of stick tonight and in the months ahead and will continue to cop adverse comment from community groups, media, politicians and the like. There is no doubt that gambling creates social problems—there is no question about that. There is no doubt that poker machines create social problems. But let us look at this very closely. The TAB takes about \$80 million a year from the community; the Lottery Commission, about \$80 million of gambling funds; and the Casino, about \$120 million. Nearly \$300 million of gambling revenue is taken from the community from industries apart from and other than the poker machine industry. Do we hear people in the streets, the media and this place saying we should close down the Lotteries Commission, the TAB or the Adelaide Casino? No; in the main we hear people saying only that we should close down, restrict or wind back poker machines.

We do not say to the Casino, the Lotteries Commission or the TAB, 'You should provide money yourself without legislation to the Gamblers' Rehabilitation Fund.' We do not tell these gambling corporations that they should contribute money, and we do not enshrine in their respective Acts that they should give money to the Charitable and Social Welfare Fund to which poker machines contribute \$3 million. We do not say that those other forms of gambling should match the poker machine industry in respect of the \$2.5 million allocated as a dedicated sports facilities fund.

We do not see the Adelaide Casino, the Lotteries Commission or the TAB putting in their own money to any community care group. The Lotteries Commission, the TAB and the Casino do none of that. Where are the cries for those industries to get their act together? If I sound like an apologist for the poker machine industry I am happy to wear that tag. I do not play the pokies—they bore me, quite frankly, but I will defend the right for the hotel and club industry to have poker machines.

I acknowledge the social consequences: I am not immune to that in an electorate that has a large number of them. That is why we have significant amounts of money going into those respective funds to do what we can to assist. But I would not mind consistency in the debate and seeing the Lotteries Commission, the TAB and the Casino doing likewise.

*Mr Brindal interjecting:*

**Mr FOLEY:** The member for Unley says, 'It's not in the Bill.' He has not looked at the amendments circulated in front of him because amendments will be debated tonight that talk about a moratorium on poker machines, that talk about banning the sale of alcohol in gaming rooms and that talk about a five-minute break every hour in gaming institutions. This is a wider debate than was involved when the Bill came into the place and I am addressing some of those issues now.

At the end of the day I know that at least 4 000 young South Australians have jobs today because of poker machines in our hotels and clubs. In the order of \$300 million worth of wages is being taken home by South Australians in jobs that were not available before the introduction of poker machines. I know that the building industry in this State has seen injected into it over the past two or three years \$200 million-plus in construction money. Some would say that that should not have happened and there may have been a reallocation of jobs due to the introduction of poker machines. Other members can say their piece and criticise it. I simply say that we are not talking about something that has not delivered significant benefit to the community, that has not delivered real jobs.

I have hotels in my electorate, which has probably the largest number of poker machines of any electorate in the State, but a lot of my young constituents are working today who would not have worked or seen work had it not been for this. The head of the Lotteries Commission told me a year or two ago that my area is one of the best areas for the Lotteries Commission. The TAB thinks it is pretty good also as it is opening up new TAB outlets all the time.

*An honourable member interjecting:*

**Mr FOLEY:** Exactly. The TAB and Lotteries Commission have their products in shopping centres. Keno is in the local delicatessen. One can walk into the West Lakes shopping centre, go to the newsagent and play Keno or buy lottery tickets or scratchies. The TAB is around in shopping centres. What absolute nonsense that a TAB outlet is okay. If the argument is that we should not put gambling in the reach of people when they are trying to spend their discretionary income, when somebody goes to the corner deli to buy the milk and bread with \$4 or \$5 in their pocket and happens to see the Keno screen up behind the cash register, what is the difference? Can somebody explain to me the logical difference between a Keno in a delicatessen and a poker machine in a hotel? There must be something I am missing. Members might suggest we amend the Lotteries Commission Act to ban Keno in shops and amend the TAB Act to ban TAB

outlets in shopping centres. Consistency in the debate would not be a bad thing.

In Committee we will go further on this issue. Those who may be considering supporting a moratorium should think long and hard about it; think about what it does. In my view a moratorium would be open ended. The goodwill of the amendment might be that a moratorium has a sunset clause, but given the debate and the various issues raised with poker machine legislation one would be a brave leader of the day who chose to lift the moratorium. You will simply be reducing competition and adding value to the operations of existing hotel operators with their poker machines. You will be giving potential increased goodwill and value to businesses that you are trying to have a crack at.

If you are wanting to say to existing hoteliers, 'I think you are nasty, so I will whack on a moratorium', you are simply saying, 'I will not allow any competition to keep you on guard, to keep you providing good quality service and delivering good product—I will add a bit of value to your business.' Any hotelier out there thinking about flogging their pub would certainly like the idea of a moratorium for a couple of years. It is not a bad selling point for an agent to say to a prospective buyer, 'You have at least two years in which there can be no other poker machines in this area.' If you are starting off in the hotel game, a couple years free run at pokies in the district is a pretty lucrative opportunity and clearly something of value. Moratoriums in this instance are somewhat misguided. I will deal with other issues as they come along.

*Mr Evans interjecting:*

**Mr FOLEY:** Sorry, member for Davenport.

**The SPEAKER:** Order! Interjections are out of order.

**Mr FOLEY:** At the end of the day I will come back to the main point of the legislation. It was mentioned in the other place that, to show the hypocrisy of the legislation, the Premier felt so compelled to knock off a poor old developer who had done the right thing that he proposed to ban hotels in metropolitan and country Adelaide but exempted the CBD. The original form of the Bill, to which this Cabinet and Party room agreed, actually exempted the CBD of Adelaide. What a nonsense piece of legislation where you have so many qualifications on it that it was just plain silly. We made it very clear—and it was amended in the Upper House—that if you want this amendment you can have it for all of Adelaide and it will include the CBD of Adelaide.

**Mr Brindal:** I thought it was a conscience vote.

**Mr FOLEY:** Yes, it is a conscience vote. I am simply paraphrasing the debate to which I listened in another place. Clearly you did not. At the end of the day the Bill came down to this place significantly amended. It still gives the Premier his political win, if that is the way this House votes, to ban it from future shopping complexes. It does not give the Premier the exemption of the CBD. Members in another place toughened up that element.

This Premier, this Cabinet and the Party room appeared to want to use draconian, nasty, vindictive, retrospective legislation to knock off a business operator who for many years had gone about proposing, preparing and delivering on the law as it stood, and for that members of the Government should hang their heads in shame.

*The Hon. W.A. Matthew interjecting:*

**Mr FOLEY:** The member for Bright asks whether I am after a campaign donation: that is an irresponsible interjection, because I am debating this law on the merits and on principle.

*An honourable member interjecting:*

**Mr FOLEY:** Again the member for Unley interjects and says that that would be the day. He can sit there and make his contribution by way of interjection. I look forward to his speech on this Bill when he puts before the Parliament what he believes to be the true course of events leading to this legislation. It is nasty and ill-conceived legislation. It has been consistent with all the other silly, dopey, nonsense things this Premier has done since scraping back to power, showing no consistency and absolutely no logic.

*Mr Scalzi interjecting:*

**Mr FOLEY:** The member for Hartley should pipe down for the next four years. He should keep his head very low because he managed to achieve a swing not matched by anyone else—perhaps by the member for Mitchell—a swing in the order of 12-plus per cent. The member for Hartley's electorate has cast judgment on his effectiveness as a member of Parliament.

In conclusion, I will be contributing further throughout the course of this debate. I am pleased that members in another place saw the sense in defeating the retrospective nature of this law, but do not ever preach to me again about the evils of retrospective law as members did last week, because your hypocrisy has been shown for what it is. I look forward to contributions from other members as they explain to me how they are prepared to support retrospective law in the Party room but spoke so passionately against it in this Chamber only a few days ago.

**The Hon. R.B. SUCH (Fisher):** I guess we are in for a lengthy night so I will restrict my remarks. The debate on poker machines in this State has at times been somewhat hysterical, and even certain media proprietors who have an interest in promoting gambling in other forms have chosen, when it suited them, to swing their attention to be anti-poker machines. Members would know that I am not a great gambler in many things.

*Members interjecting:*

**The Hon. R.B. SUCH:** I concede last week. My gambling is confined to X-Lotto, and I should declare an interest in that and also declare a loss. I also point out that my son works as a chef at the Casino as of the last few weeks—and I must commend them as good employers.

In my view, all forms of gambling are equal. One form is no better than another, and I think that in Australia we would be better off if we had less gambling. Ultimately, we have a community where adults have a choice in terms of their behaviour and, as long as there are appropriate safeguards to protect children, I believe that, by and large, adults should be able to choose the activity in which they wish to engage and that should include gambling as well.

I think that the poker machine debate has become somewhat hysterical. Members may recall that I voted for their introduction. I do not have any regrets about that, but I regret the way in which they were introduced. I believe the *modus operandi* of poker machines has been faulty. I have commented in places where I am not allowed to reveal the discussions of those places, but in my view what many of us expected to happen and what I have sought is that the way in which the machines operate should allow people to win a little and lose a little, more akin to the old poker machines that existed in New South Wales. They can still be electronic, not the type operated by pulling a handle, but I do not believe that we should have a system where people can engage in automatic play to lose a lot of money quickly, because I think

that is the problem at the moment. The fault is in the way in which the system was implemented and administered.

If poker machines were introduced on the basis of 'win a little, lose a little', there would not have been the problems that have emerged as a result of a small minority over-indulging in that form of activity. In my view, there is little difference—in fact, no difference in principle—between gambling on horses, dogs or two flies. It is interesting that more women than men choose to play poker machines, and often there is a underlying sexist element to some of the comments made about people playing them.

I went to my electorate before I cast a vote in favour of poker machines and explained that, based on my extensive research, which included looking at the report of Sir Laurence Street and others, I could not justify opposing poker machines even though I have no particular interest in them; I find them boring, tedious and annoying, but ultimately it is up to the adult public to make that choice. I received all sorts of threats about what would happen to me, but my vote actually increased dramatically in that election. I believe that my electorate understood the arguments that I put and understood that I was not supporting poker machines for any personal reason, but I believe ultimately in freedom of choice.

The key issue in relation to poker machines is one of physical separation; that the machines are physically separated from children. I agree with the member for Hart that machines should not be located between, say, the vegetable seller and the electronics store, but, as long as there is proper physical separation and the normal rules relating to adult participation apply, I see no problem. Today, shopping centres such as Marion are the equivalent of a modern day version of the village common where people gather to engage in all sorts of activities, not just shopping. Today, places such as Marion are more than just shopping centres: they fulfil the function of the old village common of years ago. They are a meeting place and it is logical that you will have hotels and other facilities in centres such as that.

I do not support retrospectivity in relation to the Marion development. I indicated to my colleagues that I reserve my right in terms of that matter, that if it came before this House I would have difficulty in supporting a retrospective measure which I believe singled out a developer at the Marion centre and which would have been unfair, given that the developer had gone through the proper processes of indicating interest in this development and lodging an application.

As this Bill proceeds, no doubt it will be subject to amendment. I think that if we approach this issue in a rational way, rather than in a purely emotional way, we can come up with an Act which ultimately reflects common sense. I can remember a year or so ago members in this House getting themselves into a lather about young people having access to scratchie tickets. People were frothing at the mouth trying to deal with a problem that did not exist. The then Treasurer, for whom I had and still have great respect, showed that there was no problem in relation to that issue yet members of this House were fuming, getting carried away and ranting and raving about that issue when it was not a problem. Yet we never seem to apply the same passion or concern for young people who are unemployed or for those in the community who are disadvantaged.

My final plea is for members to approach the issue on the basis of rational, objective analysis; put aside individual issues and individual hobby horse attitudes, deal with the issue on its merits and reject any notion of retrospectivity. I understand that that provision has already been taken out of

the Bill, but let us make it clear and beyond any question in relation to any development at Marion or elsewhere, and let us look at this question in terms of the physical separation. If that criterion is met, I believe we can deal with the issue of poker machines sensibly and rationally.

**Ms STEVENS (Elizabeth):** My remarks will be brief. I have a problem with the nature of this Bill full stop! If we are going to start looking at gaming machines but just take one facet of a multifaceted issue, we will have problems. I believe that is what has happened in this case. The issues surrounding poker machines are much broader than just the matter of whether they should be located in shopping centres. It would have been far preferable to have a much broader discussion and more facts on the table and to look at the total picture in a comprehensive and rational manner. After all, we do have a parliamentary inquiry in place.

As the member for Hart mentioned in his contribution, it really does smack of opportunism and of a Premier desperately wanting to make a headline and grab some publicity on something that he thought might be appealing to the electorate.

That is no way to make sensible policy. As I said before, broad issues for the community are raised in relation to poker machines. We all know about the unprecedented take up of poker machines and, of course, this has had wide ranging effects. It has had positive effects for the hotel industry, a reinvigoration of the hotel industry which has produced jobs in that industry. And for those people—and I am not one of them—who are keen on playing poker machines, it has provided an activity that they enjoy and that is fair enough. On the other hand, there is no doubt that there has been a real skewing of spending patterns in our community and there have been negative effects in terms of the skewing of spending.

This can be seen in the licensed clubs which thought in the beginning that they would also be able to get wonderful benefits from the introduction of poker machines. Sadly, for many of them, it has been a different story altogether. In my electorate the normal and usual methods of fundraising for sporting and community clubs has dried up. Those that could get themselves into poker machines and many are now experiencing great difficulties. We hear of the negative effects on business. It is difficult to measure some of that but, certainly, there is enough anecdotal evidence around to suggest that there has been a negative effect on business and employment in businesses other than the hotel industry.

There have been effects on other forms of gambling. The discretionary dollar spent on gambling has spread wider and has affected other gambling codes. Certainly, it has affected the income of charitable organisations in our State. We would all be aware of that. A few months ago when a previous Bill was in another place charities registered loud and clear that their fundraising efforts were now down by hundreds of thousands of dollars, and these charities could attribute a lot of that decline to the introduction of poker machines. As well, demand for services has increased.

I am certainly aware in my own electorate that the Playford Community Fund undertook careful analysis of the demand for its services. It tracked demand month by month, and one can see beyond any doubt that, when poker machines came in, that group had an enormous increase in demand for its services and this has continued. In terms of charitable and social welfare organisations there was, first, a decreased ability to raise funds and, secondly, there was a huge increase

in demand for their services. The other issue for our State is the fact that gambling raises a huge amount of money for the State, which is not something we should sneeze at. The problem for State Governments is that their ability to raise revenue is limited and so we cannot consider the whole issue of poker machines and gambling without looking at that matter as well.

Another matter is the distribution of the money raised through gambling. The member for Hart mentioned the active clubs, the Charitable and Social Welfare Organisations Fund, the supposed extra contributions to health and education, although I do not know that too much of that came to light from the present Government. There is also the Gamblers' Rehabilitation Fund. In mentioning those factors I point out again that we should consider all the facts and evidence before we start to change the legislation.

However, that having been said, I turn to the Bill. In part of the second reading explanation the Government and the Minister argue that it is unacceptable to have poker machines competing for the household dollar when consumers are out shopping. I make the point that we have other forms of gambling in shopping centres, and that has been the case for some time. Certainly, in the Elizabeth Shopping Centre we have sporting clubs and community groups selling bingo tickets and raffles, and that has been accepted by the community as an ongoing feature of shopping. I agree with the last speaker that these days shopping centres are very much like the old village green: they are places where people meet, and they have become rather like a community centre. In my experience people have not had a problem with bingo tickets and raffles sold by community groups, charitable organisations and sporting clubs.

Interestingly enough I received a letter from the Crippled Children's Association in response to this Bill. The letter states:

With respect to the provision of poker machines in shopping centres, the following should be noted:

Not for profit organisations like ourselves are currently competing against each other for the charity dollar in shopping centres by the sale of lottery tickets.

The profit from lottery ticket sales in shopping centres is already eaten into significantly by the site rental charges of the shopping centre proprietors. It is foreshadowed that these charges will increase in 1998 and many shopping centres, who previously accommodated charities free of charge, are now looking for a minimum of \$500 per week in rent.

Our lottery sales are being eroded by trade promotions mounted in shopping centres and businesses.

The introduction of poker machines in shopping centres will directly affect instant bingo sales booths in shopping centres from which charities and community service groups receive some remuneration.

Finally, it states:

We frequently hear that our bingo patrons (mostly battlers) have spent food and/or rent money on poker machines and have scraped \$4 together in small change to come and play bingo.

As I said before, the community has accepted a level of gambling in shopping centres, but the difference is that the community in general accepts bingo tickets and raffles being sold by sporting clubs because the funds are being given back to the community. Generally, I believe people do not want to see poker machines in shopping malls between the fruit and vegetable shop and Woolworths. However, I do have some concerns about the Bill in terms of outlawing poker machines in shopping complexes and the building of hotels with poker machines within shopping complexes.

I refer by example to the Elizabeth City Centre, which is

a large shopping complex with the shops in the middle surrounded by about 250 metres of car parks. Right on the edge is the Elizabeth Tavern. The Elizabeth Tavern would not be allowed to proceed following the legislation, and that concerns me because it is about 250 metres from the shops where people gather to shop. Like the member for Hart, I think that, because we have blundered into this without a lot of thought, we could be getting into some bad planning. I also take the point of the member for Fisher that perhaps in large shopping complexes, away from the shops is an ideal place where taverns can be located. I have some concerns about this, and when the Bill is reopened in the new year perhaps there will be time for a broader, more concentrated and comprehensive debate and perhaps there will be a need to revisit some of the aspects that have come through on this occasion.

I am pleased that the Central Business District is now included, and that that part of the original proposition was changed in another place. I certainly disagree with the retrospective nature of the original proposal. It was unfair for the business that had done its work in good faith and according to the law and put in its application—in fact, formally gazetted its application—to have been potentially discriminated against by the back-dating of this legislation. So, I certainly support the changes made in another place to remove this feature.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

**Mr SCALZI (Hartley):** I support the second reading. It is an important Bill, and I commend the Government and the Premier for honouring the election commitment. There is no perfect Bill for dealing with this problem. Members would know that, if I had been in this Chamber when the poker machines legislation was put to the House, I would have voted against it. Nevertheless, it is important to deal with the problems that we have now and to deal with the expectation that the public has of the Government and of us as members of Parliament. It is clear that during the election campaign the public had concerns about the expansion of poker machines into shopping centres. I had considerable representation with regard to a particular area at Firlie, adjacent to my electorate.

I commend the Government for honouring its promise during the campaign to deal with this problem. There is no perfect Bill, and this legislation is not perfect. Nevertheless, the public has had the response that it sought. I am also aware that this is a conscience vote, and the member for Hart, who has been grandstanding tonight about the Government and retrospective legislation and so on, has failed to recognise that this is a conscience issue.

*Mr Conlon interjecting:*

**Mr SCALZI:** We have honoured the promise to put a Bill before the House. That commitment was clearly made by the Premier and this Government. I am aware of amendments that will be put to the House, and the worthiness of those amendments will be looked at by each member in this Chamber, and we can make up our own mind and vote according to our conscience. So, it is not a matter of grandstanding and making it an 'us and them' issue, as the member for Hart has said tonight. He has tried at every opportunity to

resort to 'us and them'. It is not about 'us and them': it is about what is the best possible solution to this complex problem. Surely the public want us to deal with it, and the Government is dealing with the problem.

The public expressed its concern about the expansion of poker machines and, rightly or wrongly, the public wants us to look at it, and we have to deal with that concern. I am aware that poker machines are no greater evil than many other forms of gambling. I am very much aware that about 2.5 per cent of all forms of gambling involve people who have a particular problem—whether they be poker machines, X-Lotto or Keno, they all have their problems. But the reality is that the public have concerns about this form of gambling and, if we fail to deal with that, we have failed to listen to the concerns of the people. This Government is not about failing to listen to the concerns of the people. However, the way we look at this concern is up to one's individual conscience. Unlike the member for Hart, let us not make it a Party political slinging match—let us deal with it properly.

*Mr Foley interjecting:*

**Mr SCALZI:** Because you share the first part of the great name of Hartley, and people get confused. I want to make sure they know the difference.

*Mr Foley interjecting:*

**Mr SCALZI:** You are not getting to me. I am just stating the fact that you have concerns, and I am responding to your concerns. You think you get to people, but the reality is that you do not. As I said, there will be an opportunity for every member in this Chamber to put his or her amendments to this Bill, and the Government should be commended for introducing this Bill for consideration, as promised, to address the public's concern. I know that the people of Hartley will be pleased with this Bill, as they had concerns about the development at Firle.

*Mr Brindal interjecting:*

**Mr SCALZI:** Well, I have to look after my electorate. They have their concerns, and we have to respond to them. There are other forms of gambling which we have to look at, such as Internet gambling. Many things will cause us concern but, if the public believes that this is a problem that we have to deal with, we have to respond to it, and the Government is responding. As members, we have an opportunity to amend the legislation, and I will be looking very closely at the amendments. I have a free conscience to vote on the amendments and decide whether they are worthy of consideration.

**The Hon. M.D. RANN (Leader of the Opposition):** I was asked earlier this evening when I left a function whether or not I would have voted for pokies to be introduced into South Australian pubs and clubs now if I could have foreseen what has happened. Everyone talks about the value of hindsight, but it is certainly true that in 1992 I voted in support of the Bill. In fact, back in 1986, I advocated that clubs in regional centres, such as the Riverland on the State's borders, should be allowed to have pokies. I did so because every weekend buses were leaving my Salisbury electorate from community clubs and senior citizens clubs on pokies trips to Wentworth, Broken Hill and elsewhere. Those buses were driving through South Australian regional centres, and local money was being spent out of this State.

When I and a couple of other Labor backbenchers raised the issue of poker machines in regional centres as a regional development job creating device, we were howled down and attacked. I remember getting phone calls and visits from various delegations. I was told that my public support for

poker machines would cost me my seat. I then did a poll: 73 per cent of people in Salisbury supported pokies; I think 11 per cent opposed them, and the rest did not know. So I voted for pokies because clubs that did so much for the community, like the Parafield Gardens Community Club and others in my area, were losing members. They seemed to be on the way out, and I certainly was very concerned in 1992, not only that so many clubs appeared to be dying but also that hotels around the State were in trouble.

I understand that about one-third of hotels in South Australia in the early 1990s were in imminent danger of bankruptcy, and one only has to compare the price of hotels being sold now in South Australia with the selling price then. At the time, I drew some comfort from my experience in rural New South Wales, in the town of Cootamundra, where I would holiday each year: pokies enabled the local community and the ex-services club (of which I am still a member) to sponsor many good works and good causes. For instance, sports for children throughout Cootamundra were basically paid for through the pokies, as were pensioner trips to shows in Melbourne and Sydney, and the bowling club, which is an outstanding facility in Cootamundra, was basically totally subsidised by pokies—and it provided cheap meals and great entertainment.

I supported the Bill in 1992 because I believed also that adults should have a choice. As the member for Hart said, there were many forms of gambling, many ways to do your dough. They included the Casino, lotteries, scratch tickets, bingo tickets—which were huge in my electorate, with people lining up to spend quite a bit of money on bingo tickets—TABs, bookies, gallops, harness racing, dogs, and various other forms of gambling which members have mentioned tonight.

Let me also say that there is nothing more that offends working class people than middle class do-gooders, the type who sip champagne at Oakbank or at the Casino but who tell working class people what is good for them and what is not. It is true that pokies have many positive benefits, particularly jobs—jobs for young people—and it has been mentioned that there have been thousands of jobs created in this State. They have also revitalised hotels and clubs; there has been a big boost to the construction industry, with a huge investment in renovations; and there are greatly improved hotel facilities, particularly in the area of restaurants and sporting facilities in terms of television and Sky, and much cheaper meals.

However, there has been a down side. I visit shopping centres every week or two in South Australia, and I find that small businesses, which are often screwed to the wall by extortionate leases in places like Westfield, are doubly hit by the pokies, particularly shops which sell discretionary items. I remember being told that at the Woodcroft shopping centre by a number of shopkeepers—and in many other places. Where there is a discretion about items—perhaps 'luxury goods' is not quite the term—where they are not essentials, small businesses feel that they have been particularly hard hit by the introduction of poker machines and the way in which they have taken off in South Australia.

There is also, as the member for Elizabeth said, the impact on charities in terms of their fundraising. One aspect that also concerns me is the impact on clubs that do not have pokies, such as Salisbury United Soccer Club, which the member for Taylor and I are most associated with; they find it hard in terms of getting people to stay and spend money because of nearby competition from clubs and pubs that have pokies. So, there is a down side. There is also a real and significant



problem with gambling addicts, and many families in my own electorate have been hit hard. Pokies obviously have an appeal to people who are lonely, and also perhaps the elderly, and this has had a serious impact in my own electorate; there is no doubt about that.

However, for the vast majority of people there is no serious impact. Most people are sensible enough to have a flutter, to go out and see it as a form of enjoyment, a form of entertainment, a bit of fun. It is not my cup of tea, but then neither are many other gambling pastimes. It is also, on the upside, a very big source of Government revenue for hospitals, police and schools. It has certainly been a big boon to this Government, which pledged to abolish pokies if elected. That is the hypocrisy.

I remember a press conference—and there were various press conferences—where the Deputy Premier opposite made a firm pledge, on the front steps of Parliament House, that there would be no Sunday trading. That was, of course, not true. Then there was the other Premier—not the present one but the former one, and the next one, as I understand it—who made the promise that, if he was elected, he would repeal the pokies legislation. Of course, that was a total furphy as well because, as soon as he took office, he saw the revenue that was being generated and, during the next couple of years, 10 000 machines were installed in 500 venues. It is a huge industry. Indeed, I understand that poker machines are located in 22 establishments within shopping centres, such is the concern of this Government. Nearby, just across the road, London Tavern is next to the Myer Food Hall, and there is Aces Tavern in the Central Market.

We know that there is genuine concern about the proliferation of poker machines and, certainly, some hoteliers with existing licences would want to protect their own investments to get even richer. Many of them are being described as the new sheikhs, getting a bit fat and comfortable and maybe a bit arrogant: perhaps some of them would support a moratorium on pokies so that they could get even richer and make bigger sales.

Over the years, I have believed that the hospitality industry has had a good relationship with this Parliament. I was a bit worried a year or two ago: I thought the AHA was getting a bit too cosy with the Government. That was particularly apparent to me at last year's AHA Christmas luncheon, where I thought things were getting a little bit cosy, particularly with the people who had once opposed poker machines. However, that is something that I am sure people can move on from and learn from the experience.

To answer that question that I was asked tonight—whether, if I had my time over again, I would vote for poker machines, I would change—I believe that what I probably would have done, with the benefit of hindsight, is perhaps given the clubs a bit of a better break on the hotels. In terms of introduction, I might have given them the head that we gave the Casino, which was given a bit of an early run to get it up and going. Perhaps we should have done the same for the clubs that put so much into sport and local communities. Or perhaps there could have been a differential tax rate. I do not know. That is with the benefit of hindsight, and we are not considering that today. I remember at the time that the AHA and the clubs association wanted to be treated the same—which, I must say, at the time I thought was a bit strange. Anyway, I am concerned that so many clubs are again struggling and are in real trouble, and I believe that, at some stage, we will probably have to listen to what they have to say.

This Bill stems from the Premier's announcement of 17 August in the *Sunday Mail*: he said that he would outlaw the provision of gaming machines in shopping centres. That was a big story on 17 August. It had nothing to do with concern for the poor, nothing to do with concern for charities and nothing to do with concern for addicts. It was in response—and I know this for a fact—to an opinion poll. It was an opinion poll that said that the Premier had to do something about poker machines. Of course, he did not want to do anything real about poker machines but he had to look the part and he had to seem to be doing something. So, what did the brains trust do? They probably rang up Richard Yeeles and got Alex around the table and came up with an idea: we will outlaw them in shopping centres; we will give an exclusive to the *Sunday Mail*; and we will make the boss look tough, almost Kennett-like, in the lead-up to the election—he can look caring and tough at the same time. That is what it was all about.

When it was introduced in the other House, the Bill actually contained an exemption for the city as well as retrospectivity. What a phoney piece of legislation! If you were dinkum about tackling the problem of poker machines in shopping centres, why on earth would you exempt the CBD, unless it was to look after a few mates in the past or in the future.

**Mr Foley:** Capital City.

**The Hon. M.D. RANN:** As the member for Hart interjects, perhaps it had something to do with the ill-fated Capital City project. We have seen a few special deals recently, and more will be revealed soon, but the fact is that, essentially, this is a hocus-pocus piece of legislation: it is designed not to do good but to look good. That is why I will take great interest in observing how this Bill goes through the Parliament. Since the Premier's great announcement, I understand that 107 gaming machines have been introduced. It is bizarre that a Government could actually trot into this Parliament with a Bill that exempts the city. It is quite clear that a shabby deal has been done.

I am concerned that calls for moratoriums will simply make the wealthy hotel owners even more wealthy. My major concern is that we must protect jobs—that is what my Party always wants to do—and also make sure that at some time in the future by way of a conscience vote we look at how the whole thing is playing out, because I am concerned about the impact of this legislation on clubs.

**The Hon. W.A. MATTHEW (Bright):** I support this Bill. Like many members who have already spoken, I have some reservations about the breadth of the Bill. I would rather see one that is far wider reaching. However, in my view it is a small start, and I have no doubt that during the life of this Parliament we will see a significant amount of legislation to cover poker machines. I am sure that the Leader of the Opposition will have ample opportunity to explore further some of the ideas that he has put before the House tonight. It may be that the Leader of the Opposition and I on a rare occasion might agree with each other in some way. I am pleased to hear the Leader's change of heart now that he has the benefit of the wisdom of hindsight in respect of poker machines.

The Bill that is before us tonight simply prohibits the Liquor and Gaming Commissioner from granting a gaming machine licence or in any other way allowing gaming machine operations in a retail shop. The Bill honours a commitment made by the Premier on 17 August this year

when he announced that he would introduce or ensure that such legislation would be introduced to the Parliament.

I think it is important that again I put on the record my opposition to poker machines. It is fair to say that I strongly opposed poker machines when the issue was first debated in this Chamber in 1992. Unfortunately, poker machines have proved to be an even bigger impost on society than I believed they would be at that time. They have not been in the public interest, they are a disaster that never needed to happen, and they have left in their wake a path of destruction and human tragedy.

I know that many members of this House, as have I, have had to deal with many constituents who have become part of that growing number of individuals who have brought tragedy upon their family, because their gambling habit affects their entire family. It does not give me any pleasure to stand in this House and say, 'I told you so.' I do not think that any member would like to feel that way, particularly when we talk about legislation of a social nature that has had such a tragic effect.

The Bill passed in appalling circumstances. I think it is important, if new members are not aware of those appalling circumstances, to reflect on what occurred. At 5.50 a.m. on 7 May 1992—who knows, this debate tonight might go past that hour—I detailed to the House the appalling circumstances under which the original Bill, the amendment of which we are now debating, passed. Frankly, I hope that never again we witness such an appalling situation. The Bill was supposed to have had a conscience vote. It was interesting to note that, in the main, the Labor Party supported the Bill—all but two members of the Lower House and all members of the Upper House. I look forward to seeing this exercise with a renewed conscience, perhaps a new Labor, amongst the new members.

As the Bill was about to go to the third reading stage—I was sitting in the Gallery in the Upper House observing the proceedings—the Hon. Anne Levy, who has now departed that place, rose to seek an adjournment. The final vote was adjourned for 5½ hours. The reason that occurred was that the vote was going to be in a direction different from the one which the honourable member wanted. If the vote had occurred at that time, we would not be debating this amendment tonight, because this Bill would have fallen flat on its face and poker machines would never have come in.

During the next 5½ hours, another member, who is no longer in the Upper House, the Hon. Mario Feleppa, was subjected to an interesting discussion with three members of Parliament who also have departed this place: the Hon. John Bannon, the Hon. Frank Blevins and the Hon. Chris Sumner. They proceeded to impart their views upon the unfortunate Mario Feleppa in a manner which I hope we will never see or hear of again. Those who walked the corridor outside the office in which the unfortunate Mr Feleppa was being berated would have heard language that would certainly be considered unparliamentary in this Chamber. For that reason, I dare not repeat it. It is certainly not fit to be printed in any newspaper or heard in any media forum. That is how poker machines came into existence—through thuggery and intimidation. Therefore, we now have a Bill that has facilitated the growth of poker machines throughout our community, that has seen absolute havoc and devastation wreaked upon some individuals and families. We are debating this evening what I suspect will be the first of many amendments in this Parliament.

Endeavours were also made to give the Parliament an opportunity to think carefully about its actions. It is well known that on 25 March 1992 I moved a motion to refer the Bill to a select committee to ensure that the Parliament had the opportunity to consider its actions fully. Regrettably, that endeavour to refer the Bill to a select committee failed. Unfortunately, we are again placed in the position in which we now find ourselves. Poker machines are law, and I think it is interesting to reflect upon at least one of the organisations that played a role in strongly lobbying to ensure that that law came about. I refer to the AHA.

**The ACTING SPEAKER (Mr Brindal):** The honourable member has introduced a new topic. I ask him to consider its relevance to the Bill before the House.

**The Hon. W.A. MATTHEW:** Thank you for your guidance, Mr Acting Speaker. Its relevance is that the AHA is involved in the same lobby in relation to the Bill that is before us. It is important to put on the record, as I did in 1992, the credentials of that organisation. On 29 July 1987, a decade ago, the Australian Hotels Association sent a letter to all members of Parliament. That letter stated, in part:

In line with countless other community organisations, welfare bodies and concerned groups, retail traders, the leisure and entertainment industry as a whole, and the majority of South Australians, the Australian Hotels Association (SA Branch) opposes the introduction of poker machines into the South Australian community. This form of impulse gambling will only result in even more competition for the already stretched leisure dollar.

Those are the words of the AHA 10 years ago—very certain, there in black and white, opposed to the introduction of gaming and poker machines; frankly, for the same reasons as prevail today. I find the AHA's about-face interesting and hypocritical, and obviously a certain amount of vested self-interest is involved. It may well be that the reason for that statement in the first place was that its members were afraid the machines would go only into clubs and that somehow personally and individually they would miss out on their profit dollar. So, when they were sure that the machines would also go into hotels, their personal vested interests were settled and they could reap profit at the expense of the unfortunate misery of those who lost money on the gaming machines. The same group has been lobbying members through various avenues to ensure that at least one vested interest—that of those who wish to place poker machines in the new Westfield Shopping Centre—would be provided for and also to express their opposition to the Bill now before us.

It is important that all members reflect on the view of the AHA as it stood 10 years ago and why that view may have changed. I ask members to reflect on the words of the AHA (not mine), 'in line with the countless other community organisations, welfare bodies and concerned groups, retail traders, the leisure and entertainment industry as a whole, and the majority of South Australians'. The AHA was saying 10 years ago that the majority of South Australians were opposed to gaming machines. Conveniently today, its members forget about that argument as vested self-interest takes its place foremost in their mind.

This Bill allows us to redress the imbalance in some small part. I know that another honourable member in this House wishes to put forward an amendment to the Bill. I am rather favourably disposed to that amendment and look forward to the opportunity to debate it in Committee and to hearing the member for Mitchell justifying its introduction at that time. As I indicated, like some members I would like to see far wider reaching legislation, and I believe that in February that

is very likely to be introduced in this Parliament, so I will take some of my voting actions tonight mindful that there will be another occasion on which fuller issues will be debated, and no doubt the Parliament will sit long into the night on those occasions as well.

My further significant concern is not just the issue of poker machines in shopping centres but also as it spreads into other forums. On 22 February 1992, page 1 of the *Advertiser* carried my concerns about the possibility of the establishment of what I termed 'pokie palaces' in South Australia. On that occasion I flagged the fact that organisations such as the SAJC could well be bidding for pokie palaces. Here we are now with the SAJC formulating behind the scenes exactly such a bid. It has its beady eyes on the Sizzler building at Morphettville, and is planning if possible to establish that as a poker machine palace once again to further gambling, loss and misery and devastation from that throughout our community. So, I support this Bill and look forward to the amendments that are flagged to be introduced. Some if not all of them I look forward to supporting, and I ask all members to reflect very carefully on the motives of those who seek to block the passage of this Bill for their own vested self-interest. Obviously, I am referring to those outside this Chamber.

**Mr CONLON (Elder):** At this hour I will be as brief as possible. I have absolutely no doubt that the introduction and proliferation of poker machines have caused a raft of social problems, which I do think need to be addressed at this stage. I understand the motivations of people moving some of the amendments we have seen and some that we will see but, if we are addressing a raft of very serious social problems, it seems to me that we should do so with a little more science than has been applied to some of the measures being proposed. It seems to me that, in people's enthusiasm to address what they see as problems with poker machines, they are putting forward some suggestions that are basically no more thought out than a good idea they have had relatively recently.

The original Government Bill that was put forward is a clear example of this. The original Bill represented a proposal to stop poker machines in supermarkets, because that was an evil. We saw an attempt to make that retrospective to some applications which were already in the process and which had been made according to law, because if they were evil we had to go back a bit, but we stopped there and did not go back to the 22-odd hotels that were already in service in supermarkets operating pokies, for reasons I do not understand.

Then we had a further addition to that: the CBD was to be exempted. Apparently, poker machines were an evil in supermarkets but not in the CBD. I suggest that this discloses a chain of reasoning somewhat more reminiscent of a game of Twister than a properly thought-out law. There is no disclosed chain of reasoning in it; as has been pointed out previously, it was no more than a simple political stunt, thought of on the spur of the moment, for the Premier to be seen to be attempting to do something about the proliferation of problems associated with poker machines. I do believe that we need to address the large raft of social problems that have occurred from some aspects of poker machines. I think a process has been put in place to do that. If any other legislation came before this Parliament, we would want to know how it was thought out, what research went into it, what science and thought were behind it, what evil it addressed, what remedy it provided and why it would work. I will

support the aspects of the Bill dealing with supermarkets but without retrospectivity, because I think there is a general desire in the community for that at present, even though I have very grave reservations about whether that will achieve anything at all.

This Bill and the others do not have any of that chain of reasoning, research or science. All they are doing is waging a war on pokies because members opposite think they are evil, but that is unscientific. Poker machines are inanimate objects; they hold no malevolence of themselves; they do not leap out of dark alleys and mug passers-by. They are not like daleks patrolling the suburbs saying, 'We will exterminate!' Simply to wage war on them on that basis is not scientific. It is an unfortunate and unpalatable truth for some to face up to, but there are people who play poker machines without problems. There are elderly in the community who have fallen victim to poker machines. There are also elderly in the community—and I know them—who go to hotels, get a cheap meal and a cup of coffee and spend a few dollars on the poker machines.

The remedy we need is for problem gambling, which is a complex issue that occurs in a range of areas. I do think that poker machines are ideally suited to problem gamblers, especially when alcohol is involved. But let us not feel good about trying to solve social problems with a few stunts. I would like to see a well developed proposal come from the Social Development Committee (which is examining this issue) that addresses real problems and not simply some feel-good stunt.

Some of the foreshadowed amendments I simply cannot agree with. Poker machines have exacted a price from the community which at present is too high to pay. Amendments that go towards preventing the serving of alcohol where there are gaming machines, without any more reason than I have heard so far, seem to want to add another social dislocation to the problems we have without anyone having convinced me that there is a sound argument for it.

Be brave enough to do what you want to do. If you put poker machines in pie shops do not be surprised if they sell pies while you are playing them. If you put them in tea shops do not be surprised if they sell tea. If you put them in hotels do not be surprised if they sell beer. If we want to take them out of hotels, think it out, plan it and do it—but do not run around the back door and tell people with poker machines in hotels that they cannot sell beer. Do not sack thousands of workers and do not legislatively issue thousands of 'Don't come Mondays' here today, because adding that social dislocation to an existing problem is ill thought out and does not have the science we should bring to this if we want to address these problems.

I will support the stopping of poker machines in supermarkets and I support that applying to the CBD. I will not engage in this game of Twister about the logic of it. If it is good, it is good; if it is bad, it is bad. I cannot imagine what the square mile of the city has to do with that. I will not support throwing people on the dole because someone has thought that it is a good way of dealing with poker machines. I will certainly not support any moratorium which has the effect of applying retrospectively to knock off existing applications.

If we have a problem with poker machines, let us work it out and not select victims to knock off with retrospective regulation that searches out people who thought they were acting according to the law and in good faith. That is simply the creation of another problem and not addressing the problems we have. If I had been in this place when poker

machines were first introduced I do not think I would have voted for them, but we are a long way down the track. Adding more social dislocation through loss of jobs in the industry does not seem to be addressing the issues. I will end my comments there and address myself to some amendments as they come up.

**Mr HANNA (Mitchell):** I rise to support the second reading on the basis that it is better than nothing and certainly makes a statement about the social impact of poker machines in the State. However, the Bill as introduced in the Legislative Council does little credit to the Government or the Premier because, as the Leader of the Opposition said earlier, this measure is a token measure and does not go anywhere near addressing the real social problems associated with poker machine gambling. That is why I endeavoured, on behalf of my constituents, to do something more about it—something of substance rather than simply addressing the issue of poker machines in shopping centres. Originally the Bill, as introduced, excluded the central business district. There is a lack of logic in that and I am aware that, while we are addressing the perceived negative social impact of poker machines, we can also look to the impact of other forms of gambling and other unfortunate social consequences, but the Gaming Machines Act is opened up by this amending Bill, which is why we are looking at this issue in isolation.

The Social Development Committee is looking into not only poker machines but also other forms of gambling in South Australia. We will be in a better position to look at other forms of gambling, perhaps with a view to correcting anomalies across various forms of gambling, when that committee reports. It does no good to say that, because other forms of gambling have particular advantages in the marketplace, this form of gambling should have those advantages as well. It is not a matter of parity but of whether the extent and availability of gambling is right when looking at the economic advantages in the sense of building more hotels as against the social impact which, apart from wrecking a few lives, means the redistribution of money from what seems to be particularly the lower socio-economic groups in society to a few people who have involvement in the hotel industry.

One of the problems with the Bill as introduced is that the restriction in respect of shopping centres will lead to problems in our urban planning. As the member for Hart said earlier this evening, we are better off having pubs away from residential areas. It is an unfortunate aspect of this Bill that we will tend to see pubs forced into residential areas because they will not be able to share the same roof as shops, whether in a shopping centre, a shopping precinct or a row of strip shops, if they want poker machines available on those licensed premises. I see that unforeseen consequences have arisen from what I perceive is a knee-jerk reaction on the part of the Premier in August this year.

When I began to consider an appropriate response to the awesome problem of poker machines in South Australia—as it is at present—I ran into various difficulties. Each problem one looks at has ramifications for the hotel industry and so on. It is very difficult to bring in effective measures without appropriate research. There is no doubt that we do not have adequate research into the full impact of poker machine gambling in South Australia at present. That is why the Social Development Committee is looking into it. But there are problems that most of us would agree arise from poker machines particularly, although one could say from other forms of gambling as well.

Essentially we have the broader economic problem of money going into the hands of publicans as opposed to other entertainment and retail options. The position of the Small Retailers Association is that there is competition for that dollar—that amount of discretionary income—presently finding its way into the poker machines. There is an overall economic issue of where we want that money to go. At the moment small businesses (and this is the case in Westfield Marion) are very concerned about the impact of ever increasing numbers of poker machines.

Of course, the other aspect is the individual aspect where maybe 1 per cent, maybe 5 per cent, of people who regularly play poker machines have severe problems and addictions. Although one can say that it is anecdotal evidence, the fact is that there are not just a few but dozens of anecdotes of tragic cases which can be found at every social welfare agency that deals with gambling problems.

In addressing those problems, I came to the view that it was better to make some attempt now to restrict poker machines, rather than waiting for, perhaps, a year or so when the Social Development Committee might be expected to report. I will go into the reasons for those amendments later, but it seems to me that there is widespread community concern. I have certainly heard that. I have received many uninvited submissions from church groups, individuals not associated with any particular organisation in my electorate, members of Neighbourhood Watch groups in my electorate and from retailers.

I think all members who deal regularly with their constituents will recognise that there is widespread social concern and that something needs to be done now. I do not think that we can wait for the proposed legislation to be brought in by the No Pokies member in the Legislative Council. With the politics of the situation, that Bill will probably never see the light of day in this House, particularly if one looks at the Legislative Council vote on this Bill before it arrived here.

I support the second reading. It is better than nothing, but the Bill as it stands is really little more than a publicity stunt on behalf of the Premier. Anyone truly concerned about the social impact of gambling should give close consideration to the amendments I will move in due course.

**The Hon. G.A. INGERSON (Deputy Premier):** I would like to make a few comments about this very important Bill. I know that many people who have very strong views look at polling and listen to widespread concern. Obviously, I must be listening to the wrong people, because many people are in fact enjoying the entertainment of poker machines. People in their 20s, 30s, 40s, 50s and 60s are enjoying the opportunity to go into clubs and hotels which today offer much better facilities than they did five to 10 years ago. Sometimes in this place we do a lot of 'today' talk and forget a lot about yesterday; we forget where hotels and clubs were at and the sort of facilities they were providing five to 10 years ago.

I supported the poker machine Bill when it went through the House and will do so again today. I do it, as I did then, on the basis that if people want to gamble that is their free choice. It is not, as the member for Mitchell said, that we should be deciding where we want the money to go. It is not our decision, and it is not a social decision: it is an individual decision. I have stood for the rights of individuals ever since I have been in Parliament and I will continue to do that, recognising that individuals make up the whole of our society and there are occasions in which we have an overall view, but

in the final analysis we come back to individual rights and individual choice.

I never cease to be amazed at well-meaning people who believe that the global group should make decisions for individuals. I thought that stuff went out in Moscow some 30 years ago. I thought that sort of view disappeared, but apparently it still pervades in some quarters. It seems to me that choice and individual choice is the prime controller at the end of the day.

When this debate went on, I remember commenting at the time about the need to ensure that adequate funds were made available for those who would have misfortune, and I still believe that strongly today. If misfortune befalls less than 2 per cent, I think the other 98 per cent ought to have an opportunity to have their view expressed very strongly in this place. When a small number unfortunately have a lot of problems because they cannot control their choice, their will or their desires, the other 98 per cent should not be disadvantaged in terms of their choice to play the pokies at the hotels and clubs, or wherever we choose to license them.

It is a choice exercise. Nobody forces you to put your finger on a poker machine button, and nobody forces you to push the multiple bet button. You do that as an individual and there are some calamities. I accept that. When we sit down to look at this situation, I believe that we will find that the problems occur with no more than 2 per cent to 3 per cent of all the people who gamble at the clubs and hotels each day.

I have been in business a long time, in excess of 35 years, and over that period there was always some gambling problem that was going to be the death knell of small business. Now it is the poker machines, but before that it was the racing game or the card games around the corner. There was always that unfortunate person who got into trouble and it has been that way forever and a day, and it has not changed.

As I have said before in this place, we need to ensure that adequate funds are available to look after those who unfortunately cannot manage their own affairs. What has happened with the poker machines is not all doom and gloom. There has been significant investment in our hotels. As the Minister for Tourism, I have seen the huge benefits that have occurred in accommodation and entertainment. All that money used to go across the border to Mildura and New South Wales. It is now staying within our own State. In excess of 4 000 young people are employed today in the hospitality industry because of poker machines and the investment of hotels and clubs in this form of entertainment. It is not all negative. There are a lot of positives in terms of jobs.

As I said, in excess of 4 000 jobs are in the hospitality industry today that were not there eight to 10 years ago. We need to put that into perspective. Clearly, there are some small businesses that have been affected, but I also know that there are many small businesses who are wrongly located. I remember a long time ago, a very expert person who gave me some advice on small business said, 'There are only three things that are important in business—location, location and location.' The unfortunate issue for many small businesses is that, as the retail scene changes, you are often in the wrong location. If you do not shift, you go out of business. It can be blamed on a whole range of issues but, fundamentally, if you do not recognise that people change their habits to shop in different centres and if you are not prepared to shift as a retailer, it is nothing more to do with anything other than the location you are in.

It is seldom due to the fact that you cannot run your business. Your consumers, who keep you in business, have

shifted their view and have gone to another place, a more modern shopping centre. If you genuinely look at it, and I have spent a lot of time advising small business, it is generally location, finance and competition that create these problems and not issues like poker machines and gambling generally. We have the recent example of a person who claimed that he lost his whole business as a result of poker machines, yet he was one of the biggest gamblers at the race track. Perhaps those who write these stories that make the headlines ought to look behind the story and see what the real issues are rather than blaming poker machines, which today are an easy target. I am also fascinated by the stories about the battlers who are affected by poker machines. Sometimes some of the battlers are in the chardonnay set. When I go to the Crows' games I think there are many chardonnay battlers supporting the Crows. I know a lot of champagne socialists quite well. I am fascinated at some of the comments.

*Mr Foley interjecting:*

**The Hon. G.A. INGERSON:** We know where the member for Hart stands, because he is a strong Port Power supporter. A lot of chardonnay people are involved with Port Power. There has also been a lot of discussion about clubs and hotels, and clearly there are major issues between the clubs and pubs. However, we can go back to the fundamental argument of where a business survives and look at the location of some of the clubs versus the location of some hotels and we can get a simple answer.

*Mr Foley interjecting:*

**The Hon. G.A. INGERSON:** We are okay: it is a good business. I am really trying to say that you have to look at other reasons for the failure of a business rather than simply blaming the poker machines. Another issue that has been overlooked is that there are many people who enjoy playing poker machines. They enjoy the company of being with other people. Many sad people out there like going to their hotel or club and being part of a group which normally they would not be part of. If they lose \$10 or \$20 a night enjoying themselves, why should we say that something is wrong with that? If they go to the theatre and spend \$15 a night, no-one complains about that. If we look at the current rate of theatre expansion, we will have more theatres going broke than hotels, but I will bet that no-one will say that we have to limit the number of picture theatres because they are causing public concern as people are looking at films, enjoying themselves and being entertained. The same argument is put forward in regard to poker machines.

I think we need some good and honest research instead of all the anecdotal evidence. I am disappointed that the Social Development Committee is not conducting decent and continuous research rather than one-off stuff because, in the social area, as members who have been involved with polling would know—I note the member for Kaurua is smiling—those involved in social polling know that you cannot have short-term runs and you have to be involved in long-term continuous research. We get some of the greatest lot of nonsense put before us as members of Parliament, and in this area I believe there is more nonsense spoken and more emotional views expressed about what is really going on than we ought to be getting.

I understand that lots of us do things on an emotional basis but, in an area where many people are being hurt, we ought to be doing a lot better research to try to find an answer. Finally, a significant sector for Government is involved. All Governments around the world recognise that gaming and gambling revenue is an important part of their budgetary

control system, and it is the same in South Australia. My concern, and I have expressed it on many occasions, is that we ought to be making available more money for those who have the misfortune of getting into trouble. I hope my short contribution will put another point of view into the debate. Clearly, it is a difficult issue but it is an issue where obviously, on conscience, members will go every different way, and I hope my small contribution has been useful.

**Mr CONDOUS (Colton):** There is nothing like experience to teach us lessons in life. The first lesson I had on poker machines was about 40 years ago when I attended Sydney University. On the weekends I would go to the colourful district of Kings Cross, which in those days was not the sleaze that it is today.

*Members interjecting:*

**Mr CONDOUS:** No, not 40 years ago. It was a colourful area made up of gypsies, fortune tellers and soapbox politicians around the El Alamein fountain, and it was a colourful area. I learned quickly that there was a humanitarian working in the area by the name of the Reverend Ted Noffs operating out of the Wayside Chapel. I made it a point to see what his operation was all about. I spoke to the locals who told me how he addressed the problems of alcoholics, down and outs, prostitutes and families in diabolical trouble. With the aid of his helpers, I quickly learned that he utilised supplies of damaged food that was brought to the chapel. He would do up parcels for families who had certain problems, including families where one of the parents was addicted to poker machines. The food parcels were made up to give to the families so that they could survive the next week.

In those days in New South Wales all the premises that had poker machines were the leagues clubs, and so the money was put into entertaining people with grand shows and cheap food, but the profits from the machines went to the players of those league clubs. The money then went back into the community when it was spent by the players rather than the present South Australian situation where in most circumstances we have put poker machines into hotels and made wealthy men of a few hoteliers who are successful, rather than being able to channel that money back into the community. It is easy to say that we should not have poker machines here, there and everywhere.

The Marion situation is all about a family which sets out to do its shopping. Because dad has been working all week and has not been able to spend leisure time with the family, they set off in the car to drive to Marion. When dad sees the new tavern with the poker machines, he tells his wife to take the children shopping and that he will have a few drinks and play the pokies at the tavern. What we are doing in this situation is further aggravating and alienating the family unit. Instead of going to a shopping centre to shop, they face the temptation to play the poker machines.

Let us look at the facts. This venue will spend \$135 000 in the first year promoting the gambling facility that will be provided at Marion. There is an after tax profit of approximately \$190 000 without the machines, but with the machines it becomes a \$450 000 after tax profit—that is the difference. I ask: where will that \$260 000 difference in operating a business without machines as against one with machines come from? All of us represent people. The member for Elizabeth and the member for Hart would know that the disposable income of families today is fixed. Most families—and I am talking about 95 per cent of families in our community in South Australia—have a fixed income so, if

they spend money on gambling, it means it has to come from somewhere else.

I do not buy this business that it created 3 000 jobs. The member for Hart says a lot of kids in my area would not have a job if it was not for those gambling venues. I disagree with that entirely, because the same amount of money is being spent. All that is occurring is that it is being transferred from one area to another. People who are losing money on poker machines are not spending it on food or clothing. They are not grooming themselves with hair cuts to the extent they used to.

*Mr Foley interjecting:*

**Mr CONDOUS:** No, that is true. What would a pensioner, who goes down to the local hotel with \$20 in her purse and does it all on the poker machines, have spent that \$20 on had those machines not existed? She would have used it for food, nutrition, entertainment by going to a picture show or something like that. All we are doing is putting temptation in their way. You do not say to an alcoholic, 'I will sit down and talk to you in a hotel.' You do not put temptation before a drug addict by offering them some sort of drugs.

I have seen a deterioration in the community over a long period of time. I can remember as a kid that you were not allowed in the front bar of a hotel because the drinkers were there and they would swear and carry on. These days we allow our children in that environment and wonder later on why our kids take up drinking at such an early age. Years ago it was prohibited to allow children in a betting ring of a racecourse. Today they are allowed there, and we wonder why our children are starting to bet and drink at an earlier age. It is because we are not protecting them. We are putting those temptations in front of them and the community is changing. When will it turn around? When will a different situation prevail?

I read an article on Senator Harradine in Saturday's *Advertiser*, and he was talking about his belief, as a former Labor man, that the cornerstone of turning around the community was more adult responsibility to the younger generation, especially in their childhood formative years. I cannot see anything stupid in that statement by Senator Harradine: in fact, it makes a lot of commonsense. All we are doing here is putting another temptation right where people go to shop. Why do we have to do this? We have licensed clubs and hotels. Now we want to include them in our shopping centres as well to give people another excuse to go there.

A total of 70 000 patrons attended the Megaplex cinema at Marion in the first week of operation. What we will do is put this facility with its poker machines right outside the Megaplex to make sure that the young people do not leave after they have seen a show but go into the tavern and play the machines. I now understand why the general community see this Parliament as nothing more than people trying to take as much money as possible from the poker machine revenue and put it into Government coffers. We do not want to turn around and say, 'Enough is enough; let us stop it at this stage.' What we want to do is continue to increase the revenue.

I cannot support the Bill. I think we are starting to get to the bottom of the barrel when we are putting gambling devices into shopping centres. Shopping centres should be protected at all times. I ask all members, given that it is a conscience vote on both sides of the House, to consider the message we are sending out to families, particularly young

children, and what we are really trying to achieve by putting machines into shopping centres.

**Ms HURLEY (Deputy Leader of the Opposition):** I find it 'curiouser and curiouser' that we have Premiers and former Premiers, Ministers and former Ministers and Liberal backbenchers saying how desperately they are opposed to poker machines, yet we have had four years of a Liberal Government and nothing has happened until the second term, when we have a kind of mickey mouse Bill, which has had to be heavily amended already before it gets down to us and which slightly restricts poker machines. Indeed, it was quite refreshing to find that the Deputy Premier was prepared to come out and say that he supports poker machines. It seems there is probably only one person in the Liberal Government who does so, yet we still have them and the revenue still flows in.

**Mr Brokenshire:** Do you support them?

**Ms HURLEY:** I do support them; that is why there is no private member's Bill from me.

**The ACTING SPEAKER:** Order! The Deputy Leader will address her remarks through the Chair—

*An honourable member interjecting:*

**The ACTING SPEAKER:**—and interjections are out of order.

**Ms HURLEY:** I will support this Bill that does restrict poker machines from shopping centres, even though I feel it is inadequate and, as the member for Elder said, very unscientific. There was an application for a poker machines area in a local shopping centre in my electorate, which I opposed strenuously. It was in the Craigmere Shopping Centre, a relatively small neighbourhood shopping centre, and I believe it was entirely inappropriate to have a drinking and gambling venue there. That is not to say that that necessarily applies to all shopping centres, whatever size.

I do believe it would have been more appropriate, if we had wanted to ban such gambling centres in shopping centres, to have somehow incorporated it as a planning issue or, as the member for Hart suggested, perhaps under the licensing regulations. Nevertheless, I did strenuously oppose this proposal for gambling in the middle of a local shopping centre, and I am quite prepared to support this Bill, but without the retrospective elements which would have so much penalised a developer who acted in good faith. So, the Government has again got this not quite right, but I will support the Bill even in its flawed form.

It is very unfortunate that sporting and community clubs have not benefited in the way I would have liked from the introduction of poker machines. The hotels in my electorate have indeed benefited very much from the introduction of poker machines. There are a couple of the hotels in my electorate which you would have hesitated to enter in the past. They were run down and the clientele was an interesting mix of people, with bikies quite commonly found there having their disputes. There were all sorts of people at the hotels, and families in the neighbourhood would not have walked into those hotels in the past. They have now been refurbished. They have employed quite a few new people, and people in the neighbourhood are quite happy to go in and have a cheap meal there and perhaps gamble a little on the pokies. I would have liked to see that happen to some of the clubs in my area as well. Unfortunately, it has not happened, and one club in my area has had to close down as a result of an ill-fated venture into—

**The ACTING SPEAKER:** If the member for Taylor wishes to speak to someone, she should go into the Speaker's Gallery.

**Ms HURLEY:** One of the sporting clubs in my area, the Central Districts Rugby League Club, has run into financial difficulties because of a venture into poker machines. I believe it is a great pity, when one visits some of the sporting and community clubs in Sydney that have been able to really improve their sporting and entertainment facilities for the benefit of their local community, that we have not seen a similar thing happen in South Australia. Although I recognise that the hotels have voluntarily given to many worthwhile community causes, nevertheless in my area we have not seen, as a result of that, a great improvement in sporting facilities. In a young area such as mine, it is really heart-breaking to see sporting clubs struggle to provide their young people with uniforms and sporting equipment, with very little assistance from the Government and with a great deal of assistance from the local community—but in a lower income community it is difficult to provide enough assistance.

I believe that, nevertheless, this is something we should not be panicked about: we should not be panicked into putting poorer legislation on top of what might already have been poor legislation. Therefore, I would support the member for Elder's call for a more scientific investigation of the issues and a reasoned and rational approach to gaming facilities in the future.

**The Hon. G.M. GUNN (Stuart):** I do not like poker machines, full stop. I believe that they have done little, if anything, to benefit the total community of South Australia. There has been a proliferation of vacuum cleaners placed in clubs and hotels which, in my view, have been, with indecent haste, removing from unsuspecting members of the public money that they cannot afford to lose. The practice has certainly lined the pockets of Governments around Australia, and I personally believe that what has taken place is similar to the situation in Victoria, where a few individuals are becoming obscenely wealthy at the expense of many who cannot afford to lose 1¢, let alone hundreds of dollars, on a regular basis.

We were told by certain members of this House today that some 4 000 jobs have been created in South Australia. What sort of jobs have been created in South Australia? Are they jobs that are creating real opportunities, building long-term sustainable growth, involving tangible things, enhancing the community, or creating a sense of well-being and security in the community? I think not. I vigorously opposed the introduction of poker machines, and I certainly will not support anything in the future that will see any more of these blasted things foisted on the community. I am personally of the view that, if there was never another poker machine installed in South Australia, the community of South Australia would be much better off.

I go into hotels in my electorate and, for the life of me, I cannot understand why anyone would want to put one coin into one of these blasted things. However, it appals me to see people who have become addicted to them, and the effects that it must have on their family are significant. It appals me to think that we have created a society where people have so little to do with their time or have lost the desire to entertain themselves in other more practical and responsible ways that they have to entertain themselves by putting money into some form of electronic device. If this is the way that society is heading, I fear what other gimmick will be devised to enable

those like-minded people and Governments to dip their hands into the pockets of the unsuspecting members of the community. At the end of the day, what are the real benefits? We are told that the Government collects all this revenue and then it deals it out. It hands a few bickies back—this club will get so much and that one will get so much. It is great fun, as a member of Parliament, going along and saying, 'You will be successful.' But what about all those who have paid a heavy price? The small business operators in my district tell me some horrific stories about the effects on their business. The people in paper shops, in particular, tell me that it has wrought havoc on their business.

I am looking forward to this Parliament's carrying out a full-scale review into the operations of these machines, because I believe that one of the things which Parliaments around the world fall for is that they pass a law and it takes too long before they come back and have another look at it. We have a responsibility as legislators to ensure that previous Acts of this Parliament were truly in the best interests of the people of South Australia, are continuing to provide a benefit or are desirable, and it is our responsibility to revisit these subjects on a regular basis. We should not allow the dollar signs to get in the way of good decision-making or the long-term benefit of the community.

An announcement was made in the House this week that a large amount of money will be handed to welfare: welfare dollars are going out. Is it not a coincidence that a huge number of people have placed themselves into financial jeopardy? Some people have hardly enough money to clothe and feed themselves because of a gambling addiction: they have become obsessed with it and now the Government has to recycle the money. It truly amazes me. I will support the Bill on the condition that we revisit this total subject in the very near future. I understand that the Deputy Premier has indicated that, so I will support the Government line. I would have no problem in the future in supporting the amendments moved by the honourable member for Mitchell. I would be going a bit further, if I had my way. However, I believe that this is a good start. If this is dealt with in February, I will be very happy to support those provisions. I believe it is a great pity that this is being debated at 1.15 in the morning. I believe that this measure should be debated at a more reasonable and rational time of the day.

*Mr Foley interjecting:*

**The Hon. G.M. GUNN:** Perhaps it also might be that people like the member for Hart like to hear their own voice on a number of subjects.

**Mr Foley:** You are not doing a bad job now.

**The Hon. G.M. GUNN:** I am just a simple country lad: I do not often speak. And the honourable member puts me off somewhat with his interjections. I am not used to that sort of behaviour. I am normally very charitable towards the member for Hart. But I understand that he has been hoodwinked that there are benefits related to these blasted electronic machines, and he believes that his constituents are benefiting from having these machines plastered in hotels and clubs. I wonder what sort of effect it is having on the families of those people who are continuing to stuff these machines full of money. It does not affect the member for Hart or people like me or most members here. Most of us have control over our own lives and we have other things to stimulate us.

*Mr Foley interjecting:*

**The ACTING SPEAKER:** The member for Hart will cease interjecting. He has made his contribution.

**The Hon. G.M. GUNN:** The honourable member, as usual, is not correct. The recreation area to which the honourable member is alluding, in which the former member for Playford and I often engage, is in relation to the control of vermin, feral animals, which are playing havoc with the environment in the northern parts of the State. So, the honourable member is wrong again. That is another subject which I would be happy to address on another occasion, because I will propose some amendments to the Firearms Act and a number of other Acts. I will give the honourable member an opportunity to debate those matters at some length.

In conclusion, I am pleased the Parliament is revisiting this issue. I would like to see a full-scale debate on the effects that these provisions will have on the community of South Australia. We need to determine whether there are any real benefits or whether they are fictitious in order to ensure that the long-term interests of the public of South Australia are protected. This is a matter of the highest priority, because many members of the community are very concerned about the effects of poker machines. I understand that many people have made a large investment in the purchase of these machines. That, in itself, creates a problem, but that alone should not stop this Parliament from acting responsibly and taking some decisive action to ensure that this matter does not get further out of control.

**Mr LEWIS (Hammond):** It is a fact that had not the scoundrels who conspired with one another when the poker machine legislation was debated in this Chamber to vote on it whilst the electorates of Kavel and Finnis were not represented—there were only 45 members, and by that means the passage of the legislation was obtained—we would not have this problem now because, had those members been present in the Chamber, the vote would have gone the other way. Of course, the constituents of Kavel and Finnis were not represented here at that time because the former members (Goldsworthy and Chapman) had resigned.

Now of course, it is said that we enjoy the great benefits which poker machines bring to the State in terms of increased revenue which ends up in the State's coffers as part of the gambling tax contribution that is made from the wagers that are placed. We also enjoy the curse of the dramatically expanded numbers of people who have become the victims of compulsive gambling when otherwise they would not have even been involved in gambling. Those people who have become compulsive gamblers had not thought themselves to be at risk, but they have suffered the consequences. Worse than that, their families have also suffered, as have also many of their employers or anyone else from whom they could steal in the belief that the next flutter of dollars that they fed into the infernal machines would recover for them the big win which would enable them to pay off their debts.

So, they stole to feed their compulsive habit; they cheated their families to feed their compulsive habit; and in self-denial they deluded themselves—and we did not do anything about that. Premier Bannon assured me during the debate on the introduction of the licence for the Casino that there would be a far-reaching inquiry by professional sociologists into the social consequences of extending the range of gambling opportunities in South Australia, but that was never undertaken. The State enjoyed considerable revenue from the gambling tax on the Casino and ignored the commitment that was made.



The same reassuring tones were heard during the course of the debate on the legalisation of poker machines in South Australia. Again, an inquiry was not undertaken. So, we voted in the changes which have resulted in the misery and crime that are consequences of compulsive gambling, without even knowing or bothering to find out what those consequences would be. We could have made those inquiries and determinations and through that research discovered fairly accurately what the consequences would be, but we chose not to. We said, 'It's good for tourism; it's good for the people; it will stop money going interstate; it will stop the danger of old people travelling in coaches to Tooleybuc' or wherever else they went.

**Mr Brokenshire:** Mildura.

**Mr LEWIS:** I do not mind whether it was Mildura or Wrest Point, but the fact remains that they were specious arguments, and the level of consumer spending where service industries were affected found its way into spending on the pokies. You cannot introduce a new consumer activity without its having an effect on existing consumer activities. So, you redirect the money in the economy.

Of itself, as an economist, I do not have a quarrel with that. My quarrel is with the sociological consequences and the morality of our deciding that it was better to allow people to gamble even though we knew it would end up in disaster for a significant minority—not a majority—of the total population, for the people who depend upon them and for those on whom they became predatorial. We knew that, and we ignored it. I was criticised at the time for being a prophet of doom. We now have the doom and the problems associated with it, and it seems to me that we are now feeling some recriminations.

Most of the protagonists of the kind of legislation to which I have alluded in my remarks today have left this place. The major protagonists are not here any more, and they do not care. They had their way and they won the vote. Having recognised that, we cannot now claim, as a result of the Premier's remark that on 17 August the regime changes, that that is the cut-off date, 'But I had spent a lot of money, I was preparing for something, I had made commitments', etc.

What happened? I ask the member for Schubert, for instance, what happened when we introduced clearance controls on native vegetation? It did not matter that you had just bought a bulldozer, a majestic plough and chains or logging equipment: you were not allowed to proceed. The cut-off date was when it was said to be and it was retrospective to that date—'Stuff you', was the attitude taken. You cannot tell me that that had anything like the consequences for society that gambling has, arising from the increased range of opportunities as provided through the legislation we have passed in this place in the past 15 years. There have been other instances when we have not cared about the consequences when we drew the line in the sand on a given date.

It is common knowledge to all members here—indeed, it is a regular practice—that, even though the budget Bill has not passed in which changes will be made to the duty paid on cigarettes, tobacco and alcohol—especially imported spirits—and may take some time to pass through both Chambers of Parliament in Canberra, upon the day on which the announcement is made by the Prime Minister and/or Treasurer about such changes to revenue raising measures, the legislation is retrospective to that point. The proposal of the Premier to nominate 17 August ought to stand on that basis. It is not retrospective: notice was given that day; it is over. Yet there

are some wimps and sophists in this place and the other place who would take the moral high ground by saying that it is retrospective and you cannot be retrospective. That is like saying—

*Mr Meier interjecting:*

**Mr LEWIS:** Yes, more's the pity. It ought to stick to the line in the sand that was drawn. I would not mind at all if there was a compulsory buy-back scheme. We did that for firearms and burnt them. Why do we not go out and put an extra 1 per cent levy on our water rates and buy back all the poker machines and burn them? We would be rid of the mess. We did it for firearms; can we not do it to get rid of another menace? Do people not commit suicide who have become afflicted by compulsive gambling, and is that rate of suicide not greater than the numbers of people who die as a result of gunshot wounds? The answer to both questions is 'Yes' and yet we do not have the wit to work out a way of avoiding the consequences for the kids, spouses and people upon whom the compulsive gambler becomes predatorial. I say to those people who claim that the legislation is wrong because it is said to be retrospective that, if they had a conscience, it would probably prick them, although I suspect they have no conscience and they merely pursue their desire for other reasons. It is not a logical argument. There is no precedent for such an argument, and to my mind there ought to be a means by which members are helped to discover their real obligations in this place.

Why do we suppose that a substantial percentage of the population voted for the No Pokies representative in the Legislative Council, the Hon. Nick Xenophon? Why do we suppose that happened if the public of South Australia does not feel any commitment to the removal of the blight from which society suffers? We have had a go and we have had a gutful, so let us get rid of the things. That would be my view, but it seems that my view does not matter much. In any case, my support for the measure will be to restrict gaming machines in South Australia to the greatest extent that the legislation and any amendment to it make possible.

**Mr BROKENSHIRE (Mawson):** I will be fairly brief, given the time of the morning, but I want to place a few matters on record. As I have said to some members of this House before, it is history and it is all theory, but had I been in here I certainly would not have supported the way the poker machine legislation went. The fact is that we are now dealing with poker machine legislation that is now statute, and it is a bit like shutting the gate after the horse has bolted. I know that a lot of people out there do suffer as a result of their unfortunate inability to control their budgets and their will to play these poker machines but, like the member for Hart, I agree that a number of people and particularly young people in my electorate are getting jobs as a result of expansion. One example is a tavern in my electorate where \$6 million was spent, but there are quite a few. In fact, one way or another there were well over 100 construction jobs during that process, and there are 67 full-time and part-time jobs, primarily for young people, in that tavern.

Other small business people in some of the main regional shopping centres will tell you that their business has suffered. It is fair to say that there has been a job shift and, to an extent, a shift in disposal of the dollar that is available to families. But perhaps one of the reasons why some people are not doing so well does not necessarily involve poker machines but the fact that they have not concentrated on a niche for their food business. I can think of some where no food mall

is set up, and it is far more difficult for consumers to see what is available in those shopping centres than at Westfield at Marion, where there is a well planned and designed food mall. I have been through there to see how that is going, and those food businesses are doing quite well. I have also seen the success of Tuckerland in the south in recent times, taken over after Sizzler went through bankruptcy. Tuckerland now has a large number of young people working there. It does not have gaming machines, but it has been able to make quite a good job of selling good quality, fresh food. I know that in the member for Mitchell's electorate Fresh Choice is another success story where some people have got together and are selling fresh quality food.

*The Hon. D.C. Wotton interjecting:*

**Mr BROKENSHIRE:** The member for Heysen is out of order, Mr Speaker and is putting me off; nevertheless, I will try to wind up. How well you will go depends on how you manage your business these days, although I accept the fact that difficult situations have been caused for some small businesses. I am pleased to see this Bill introduced, because it gives us a chance to think about the complexities of what we will do with the current poker machine legislation. It is fair to say that enough is enough and that people were trying to work through a loophole with respect to the Westfield Shopping Centre. I am delighted to see this Bill introduced. It is a healthy opportunity for us as members of Parliament to look at where we are.

With respect to the member for Mitchell's proposed amendments, we must be careful that, if we start to look at moratoriums, transfer rights will not be given. Those people who already have poker machines in their premises have built up enormous goodwill and, unfortunately, some clubs have not had a chance. They are the ones I would particularly have liked to see get into poker machines, where they may have been able to develop facilities for young people in the community such as gyms and so on, as used to happen in the Eastern States.

I see that in New South Wales the Labor Premier, Mr Carr, recently allowed poker machines into hotels. If there was a moratorium, you would have a situation where you could transfer licences or poker machine numbers. The moratorium would apply to the total number of machines and would allow some transferring. The problem with the amendment is the proposal to not allow alcoholic drinks to be consumed in the gaming area. Whilst I have never spent a dollar on gaming machines, I have been through to have a look and I have never seen anybody out of order while consuming a few drinks. It will be difficult to have a shutdown period every five minutes.

Whilst some of the ideas of the member for Mitchell have merit, there is so much complexity in what we are trying to deal with that we are not in a situation where we can make the right decisions. We should refer it back to the Social Development Committee to have a close look at what is happening and make some good decisions for the people of South Australia, taking into account what I and other members have said here tonight. I support the fact that a Bill has been brought into this Parliament, because it will give us the opportunity to address this issue, which is of concern to all of us, particularly those constituents who fall into unfortunate circumstances.

**Mr VENNING (Schubert):** I put on the record my opposition to poker machines. I was here in April 1992 when we passed the original Bill. I was opposed to it then and still

am. I am tempted to say, 'I told you so'. The Bill was flawed at the outset. It was so flawed that it had to come back here and be resubmitted before it was technically correct.

Poker machines should never have been allowed to be introduced into hotels. They are not in hotels in other States, particularly New South Wales, which was our model. In this State we thought we knew better and we allowed poker machines into hotels. That was the greatest mistake and the worst piece of legislation this House has ever passed. It was a Labor Government at the time and it had it in its head to introduce a Bill like that. I am sorry that I was a member of Parliament when that Bill was introduced, but I remind members that I was a member of the Opposition and voted against it. I apologise to all those afflicted with the ills the poker machines have brought on and apologise to the families that have suffered. I would support a Bill to phase them out altogether—at least out of hotels—over time. No doubt we will see more action on that. They can remain in licensed clubs or special places, but certainly they should be kept out of community hotels. My electorate is strongly opposed to poker machines and so am I. I support the Bill without the amendments to at least restrict them from shopping centres.

**Mr MEIER (Goyder):** I support the Bill. In so doing I do not believe the Bill goes far enough. It disappoints me that we do not have the retrospectivity clause that was in the Bill when it was introduced in another place. I simply speak to what we have before us. My view on poker machines has not changed over a long period. I refer to the speech I gave in this House on 24 March 1992 when we were debating the Gaming Machines Bill. In conclusion I stated:

I believe that, if this Parliament goes ahead with this legislation, this State will not be advancing its interests for the betterment of its citizens.

It is interesting when we consider, some five years down the track, that I was 100 per cent right in what I said because this very day we see in our local paper, the *Advertiser*, the headline, 'Our Pokies Mistake'. In it we have some salient points made by the Premier. That article states:

Parliament's vote of approval for pokies five years ago was ill-conceived and ill-considered, Mr Olsen told the Assembly yesterday. Further on it states:

Mr Olsen said, 'Easy access to poker machines had led to a level of compulsive gambling that was not and could not have been foreseen, and the devastation which poker machines have caused in this State has reached a level where we have to say that enough is enough.'

I compliment the Premier on his statement and agree fully with his saying that enough is enough. When this Bill came before the other place it sought to say exactly that: that we will not continue to let poker machines spread into our community in such a way that it will continue to do harm to a wider section of our community than it is already doing.

It was interesting to hear the debate from the other side because it was one of their former Premiers, the Hon. John Bannon, who said way back in 1986 in the *News*—that very reputable newspaper of the day—that 'he considered the machines a mindless form of gambling'. I applauded that statement then. Unfortunately, he changed his mind some years later and agreed to the Gambling Bill. Without doubt gaming machines are a mindless form of gambling. I pity those people who seem to be addicted to them.

People could ask why I do not want them to spread further. One of the key reasons, as we saw recently, is that South Australian gamblers have lost \$1 000 million playing

poker machines in just over three years. So, it is lose, lose, lose. Why on earth would I as a member of Parliament ever want to support the retention or expansion of poker machines when all I would be saying to my constituents and the public generally is, 'Go out and play them because you are going to lose, lose, lose, and I love to see you lose'? I do not take that attitude. I like to see people win and to use their money in a constructive way.

It is quite clear that the losing streak has continued. An article in October this year said that South Australian gamblers had lost a staggering \$98 million on pokies in the past three months—a yearly loss of \$285 for every man, woman and child in South Australia. It makes the State Bank fiasco look like a drop in the ocean—an irrelevant loss compared with what has been lost on poker machines. That equates to \$1.06 million a day that people are losing on poker machines. We are debating whether we should do anything about restricting poker machines in other venues, namely, in shopping centres. This debate should have been over and done with in minutes; a unanimous viewpoint to say, 'No, enough is enough—we do not want any more damage done.'

The damage is so widespread and extensive. It has damaged small business, and many small businesses have reportedly closed because of the effect of poker machines. In my electorate small business after small business has complained to me over the past two years or more about the effect pokies have had on them. We have seen the effect on society generally, and it was interesting to see a quote in a recent article by the Salvation Army's Captain Barry Casey in which he said that his organisation was experiencing a 400 per cent increase in referrals of first-time clients, the majority of whom had a gambling problem. As Captain Casey said:

The reality is that people who gamble lose.

Furthermore, it also has had a significant effect on the elderly. I first noticed that through my window at Parliament House. Several years ago now, I noticed a huge line-up of people outside the Casino shortly before 10 o'clock when the Casino opens. I thought it was a bus load of people from the country visiting the Casino. They went in, but the next day there was another line-up and the following day another line-up and so on. Even today, if members look out my window about 9.45 a.m. you will see a line-up of elderly people. I think it is tragic that they seek to spend their day gambling their money away.

*Mr Venning interjecting:*

**Mr MEIER:** Certainly the cheap meals, but how much do the meals cost them in real terms? An article in the *Advertiser* of 11 September this year states:

Children are the first to suffer when a parent becomes addicted to poker machines. . . some desperate parents pawned their children's toys so they could feed the pokies.

The Salvation Army's Break Even gambling counsellor for the western metropolitan region, Mrs May Shotton, said one parent had taken money a child had collected for charity and was supposed to take to school. [Mrs Shotton said] I have seen children in my office with their mother who quite obviously are not receiving adequate nourishment, certainly aren't being adequately clothed. . . strong suspicion they hadn't been bathed properly and certainly no real parenting was going on.

Further in the article, Mrs Shotton is quoted as saying that she had heard that clients would pawn or sell children's computer games, bikes and televisions to fund their gambling.

It is a tragedy that this State has inherited because of a decision in this House. I can stand proud and say that I did not vote for the poker machines; I voted against them. I warned members of Parliament that it would have a devastat-

ing effect on the community—which has proven to be the case. I believe that this is a small step in the right direction to stop poker machines going into shopping centres. At the very least, let us try to stop further damage being inflicted on people.

**Mr WILLIAMS (MacKillop):** I support this Bill. I have always been against poker machines and the introduction of poker machines into South Australia. I believe that also reflects the views of my constituents. In fact, today I think my constituents generally express the view that maybe we could have allowed poker machines into our licensed clubs, but we never should have allowed them into hotels in South Australia.

I have heard throughout my electorate—and I have listened to other members speak here tonight—that there have been complaints from small business operators throughout South Australia that poker machines have impacted on their cash flows and the viability of their businesses. I accept that, even though it is only anecdotal evidence.

I have heard a lot of anecdotal evidence tonight. The member for Colton spoke about mums and dads in shopping centres and dad going off to play the pokies. To be quite honest, I do not know that that is the case. When I am in shopping centres I rarely see mums and dads together with the children. However, I do believe that even though they may not appear in the shopping centre together, it is a problem: dad, and sometimes mum, goes off when they should be more involved with their family responsibilities and are spending what should be spent on family necessities on poker machines.

Being a practical person, I think we are saddled with poker machines in South Australia. They may be a blight on our landscape, but they are here. I agree with what some members have been saying that this is a small step. I do note that further amendments to this Act have been foreshadowed and members are talking about further debates in February. I would implore members who intend to introduce further amendments to this Act to do some comprehensive research into this and to put before this House some hard evidence on the effect of poker machines on small businesses, on families and on parents, so that we can involve ourselves in serious debate on this issue and come to worthwhile conclusions.

The member for Bright talked about the time that the original Bill was introduced. It was an all night sitting which concluded at about 5 o'clock in the morning. In relation to that, I would like to quote from the Governor's address at the opening of this Parliament. He said:

Significantly, current practices of sitting late into the evening and even into the earlier hours of the morning often make it difficult for members to properly assess Legislative matters, affect their ability to serve their electorates and impact severely on the families of members. My Government intends to review this matter with a view to better balancing the demands inside and outside of the Parliament for the benefit of the community.

I put it to you, Mr Speaker, and all members of this House that it appears the original legislation was enacted under similar circumstances to this, and that we are here now debating this very serious matter by exhaustion. I believe that when debating any matter—because every matter debated in this House is important, especially the matter presently before us—we should have due regard to what the Governor said when he opened this session of Parliament.

**Mr BRINDAL (Unley):** In deference to the member for MacKillop and the hour, I will not detain the House long because I think he makes an important point. As somebody who has tried to observe some tenets of the Christian religion over the years, I now have some fear that I might one day get into heaven. Listening to the debate tonight, if the number of people in this Parliament who want to legislate for salvation is any indication it will be a dreadful dogs' breakfast up there with everyone telling God how to run the place. I say that because I, too, opposed the introduction of poker machines, but I did so because I thought there were enough forms—

*Ms Hurley interjecting:*

**Mr BRINDAL:** If members opposite want to interject I am happy to go on for 20 minutes, but I heard them in silence so I suggest they do the same for me. I opposed the legislation originally because I thought there was nothing in it for anyone except the Government. I also opposed it because I thought we had enough methods of gambling. Some of what I have heard today I disagree with. It appears from the tenor of many speeches that there is something wrong with making a profit. This House, rightly or wrongly—and I do not care whether it was right or wrong—made a decision to allow poker machines into clubs and pubs. I have heard speaker after speaker tonight say that that decision was intrinsically wrong because some people are making a profit. This House made a decision: they are making a profit, the same as Holdens and many other people make a profit. I see nothing wrong with a publican or a club making a profit, given that this Parliament decided it was their right to do so.

If people in here are jealous of people making a profit, let them come in here and strip them of the opportunity, but let them be honest about what they are doing. It may be that poker machine legislation comes at some social cost. Like the member for MacKillop said, I would be interested and pleased to debate that issue when there is some hard evidence.

There is more evidence to suggest that, whatever the rights and wrongs of poker machines and the amount of money flowing through them, a good percentage of our population are choosing it as a leisure activity and surely, given that that law has been made, they have a perfect right to do so. This Parliament passed a law and said it was a legitimate leisure activity. People are taking it up and now member after member in this House is saying that we have given them an activity which they are obviously enjoying and perhaps there is something wrong with the activity. There may well be a problem yet to be proved, as the member for MacKillop said, with problem gamblers, but how many are there?

I remind the House that we devoted some time in a previous session to a very serious problem in our society, and I want to say to the Independent members that that was the very serious problem of young children who were addicted to scratchies. When they analysed it, the people who were busily pushing this admitted that we would be lucky to find five children in South Australia who were addicted to scratchies, but this Parliament had to tie itself in knots and pass a law to protect five children. As we could not make it an offence for the kids, we made it an offence for the shopkeeper. I think that is wrong. Lots of the principles that have been referred to tonight are wrong. I do not necessarily approve of pokies, but I do not approve now of standing up sanctimoniously and condemning pokies because a few people have a problem.

I would remind members of one thing. A lot has been said tonight about compulsive gambling and its evils and that we

should do this and that. I do not hear many members in this House talking about the real problems associated with alcoholism and the abuse of alcohol. I put to the House that, whilst it is quite fashionable for the *Advertiser* to lead the charge and say that pokies are unacceptable, lots of members in this House will get up and say that pokies are unacceptable. But we should look at the statistics that are quantifiable about the damage that alcohol does, and then perhaps a few members might talk about a few serious social issues instead of getting on the latest bandwagon and trying to belt hell out of people just because the *Advertiser* basically leads members in this House by the nose and tells them what to do. I will be supporting the Bill.

**The Hon. D.C. WOTTON (Heysen):** At 2 o'clock in the morning I want to be very brief, because just about everything has been said. This debate has provided a form of confession on the part of most members who have contributed and suggested that the wrong decision was made. In looking at the members who were strongly in support of the legislation to bring down poker machines, I note that there are not many left in this place. I guess there are lots of things that would be different with the benefit of hindsight.

I support the legislation before the House. I would have supported the retrospectivity clause if it had still been in the legislation and I regret that it is not included. In opposing the original legislation which introduced poker machines, I indicated at the time that I was particularly opposed to poker machines in hotels and certainly opposed to them in shopping centres. I said that, if we were to have poker machines, they should be restricted to licensed clubs. I remember about 30 years ago spending time in Las Vegas and being sickened at the poker machines that were so readily available in shopping centres and outside licensed clubs.

Over the past four years, as Minister for Family and Community Services, I had a significant opportunity to learn of some of the problems that resulted from the introduction of poker machines. I spent considerable time with counsellors who helped those addicted to them. Also, as Minister for the Ageing I shared the concern, as expressed tonight, about the number of older people who, for one reason or another—and those reasons would relate to companionship and cheaper meals being available in pleasant surroundings—were disadvantaged as a result of their becoming involved with poker machines.

Having said all that, I recognise the significance of the contribution of the gaming industry in this State. This matter has not been picked up by other members in this debate. It is the case more so than in any other State. I refer particularly to the significant contribution that the industry has made through the Gamblers' Rehabilitation Fund. On numerous occasions that fund has been the subject of questions by the Opposition. It has been suggested that that fund has not been used appropriately. I suggest that the fund has been of considerable benefit to people in this State who have had problems with poker machines, particularly those who have become addicted. We need to realise that the fund is controlled by an independent committee and chair, and I commend that committee on the role it has played. I commend the industry on the financial support it has provided through the fund.

I also commend the industry for the support it has given to such initiatives as Break Even, which has been an excellent program to assist people who have become addicted to gambling through poker machines. Also, I recognise the

support that has been provided to people throughout South Australia through the Community Benefit SA Program and, of course, the assistance to sporting facilities and organisations as a result of funding from poker machines. Having said all that, one of the major concerns I have is that, although members say that they would like to get rid of poker machines, Governments have become reliant on the funds from them.

I recognise that this is a significant issue, certainly in my electorate. As a number of members said tonight, the significant support that was provided to the No Pokies candidate reflects the feeling of many people in the community.

The Opposition has indicated that it wants another review of gambling, poker machines in particular. I have not had the time today to determine how many reviews have been carried out into gambling and the use of poker machines, but there has been a significant number, and I would be concerned if we went through another review process. A significant amount of evidence is now gathering dust on bookshelves and I suggest to those who are keen to seek out that evidence that a report was brought down as a result of a review carried out in Victoria. That is one document we should be considering, because it is still relevant and was well put together.

I support the legislation and, as I said earlier, I would have been pleased to support the retrospectivity clause but it has been removed. I believe that this legislation goes some way in helping to resolve some of the significant problems in the community resulting from the introduction of poker machines.

**Ms WHITE (Taylor):** As it is after 2 a.m. I will be extremely brief. In essence, this Bill now before us is a lot of 'feel good' rubbish. It arose out of a desperate election ploy by the Government. I think it is a bit silly, quite frankly. A number of hotels operate in the way that this legislation will preclude in the future. I understand that about 22 taverns with gaming licences are situated at shopping centres, with more in tourism and retail precincts and country towns.

This measure is gross hypocrisy, given that we have had gaming machines in this State for three years. I think someone mentioned 10 000 machines in more than 500 venues, and now we decide to tinker without really understanding what the effect will be, but knowing that one effect will be to advantage some businesses and disadvantage others, in a fairly *ad hoc* sort of way. *Ad hoc* is a good term for this legislation. The clauses excluding the Adelaide CBD from the effect of this legislation really must give rise to questions about the seriousness of the Government in achieving the agenda that it says it is trying to achieve under this measure.

There are a few amendments which will be discussed in the Committee stage. They are not amendments that I could support. One amendment concerns a moratorium on gaming machines. I would be quite concerned at the effect that would have on the industry. Obviously, if you have a licence under current legislation, you have a fairly valuable asset. I wonder how it will work, and I would be interested to explore how a moratorium will affect the industry when operators decide to change their licence or change their premises in any way. In essence, there will be those that are in the club and those that are outside wishing they had got in by a certain time. It is not a sensible way to go about planning or legislating for gaming.

Many members have talked about the evils of poker machines. It seems that a lot of those members are very happy that we have the revenue from them and they are hoping to have a bob each way, condemning poker machines and purporting to oppose the social ills of poker machines, yet being quite happy to support legislation that ensures they exist. In essence, I am disappointed with this legislation. It is a paltry and cobbled together attempt that amounts to a fairly *ad hoc* approach to planning for gaming venues in this State.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** I will be extremely brief, given the hour. I support the Bill. I believe that we should not be introducing gaming machines into shopping centres. There are currently enough in the market without putting them into areas where the potential may exist for people to be tempted to spend their money on gaming machines rather than buying the necessities they require for their family. I thank all members who have contributed to the debate tonight. There have been some very interesting and well thought out contributions.

Regarding the proposed amendments, I see some real problems in terms of a moratorium on gaming machines. The effect of that would be to actually increase the value of those machines that currently sit in hotels and clubs: it would capitalise those gaming machines into the value of the business, so I could not support that. As I said, I support the Bill before us and thank all members for their contributions.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

#### STATUTES AMENDMENT (HOLDFAST SHORES) BILL

Received from the Legislative Council and read a first time.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** I move:

*That this Bill be now read a second time.*

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

Leave granted.

The Glenelg West Beach Development involves a comprehensive and integrated program of works aimed at achieving certain outcomes, namely:

- improved water quality in the Patawalonga,
- improvements in the quality of water discharged from the Patawalonga to the gulf,
- improved recreational boating facilities, including provision for all weather, all tide boat launching and sea access, with appropriate car and trailer parking,
- new tourism infrastructure and economic activity in the area, and
- enhanced community recreation opportunities.

The State Government accepted an obligation to deliver these outcomes under agreements entered into with the previous Commonwealth Government under the Building Better Cities Program.

Up to this time, the Government has:

- initiated arrangements for a total catchment management approach to cleaning up the Patawalonga, through the Patawalonga Catchment Water Management Board,
- removed the build-up of sludge from the Patawalonga basin and thus eliminated the discharge of polluting black plumes into the gulf, and
- removed the Patawalonga sand bar and developed basic harbour facilities in the mouth of the Patawalonga.

In December 1995, a Master Plan, prepared by the Holdfast Shores Consortium for the Glenelg foreshore was publicly released. Since then, the Master Plan has been subject to comprehensive public scrutiny and analysis through an Environmental Impact Assessment process and the preparation, display and authorisation of a Plan Amendment Report under the Development Act.

Under the Holdfast Shores development, the grassed areas of Wigley and Colley Reserves remain as public reserve land and public access and use of the foreshore and beach areas are maintained. Full public access will also be available around the edge of the marina basin at the end of Anzac Highway.

The Holdfast Shores project provides a \$185m redevelopment of Adelaide's premier tourist foreshore area. It generates jobs and economic activity. It produces direct revenue to the State Government which exceeds the costs to be incurred by the Government in bypassing sand at Glenelg in order to properly maintain the harbour and the beaches.

The development at Glenelg enjoys general community support and is fully supported by the local Council.

Development Agreements have been negotiated with the Holdfast Shores Consortium, The City of Holdfast Bay and affected stakeholders such as the Glenelg Sailing Club and the Glenelg Lacrosse Club.

This most significant project has progressed to the stage where the main commercial parts of the project can now be developed.

With the development now poised and ready to be delivered, the Government needs to address an issue concerning the legal status of a part of the relevant development site.

A part of the site is subject to Section 886ba of the Local Government Act. This Section required the Glenelg Council and now the City of Holdfast Bay to hold the land as public park and to not deal with the land without the consent of the Minister of Local Government.

The land subject to this section of the Act currently includes part of the Anzac highway car park, part of the beach area in the Patawalonga used by the Glenelg Sailing Club for boat launching, most of the amusement area west of Colley Reserve and the site of the Glenelg Life Saving Club.

Whilst The City of Holdfast Bay and the Government both support the development as presented in the Master Plan, and the Council has granted its consent for works to commence, the legislation is necessary to enable relevant land to be formally vested in the Crown and included in the development site. The legislation does not extinguish existing rights of affected stakeholders.

The draft Bill facilitates this important project and supports the re-vitalisation of the Glenelg foreshore.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Amendment of s. 886ba—The Glenelg amusement park and vesting of land*

Section 886ba of the Act is to be amended to vest certain land at Glenelg in the Minister for Government Enterprises. However, the vesting will not operate to extinguish the rights of a lessee or licensee under a lease or licence granted by the Council before the introduction to Parliament of this measure. The Governor will be able, by proclamation, to fix the seaward boundary of the relevant land in order to provide complete certainty for the redefinition of boundaries in due course (if required).

*Clause 3:* This will amend the Development Act to make special arrangements concerning boating facilities at West Beach.

**Mr FOLEY** secured the adjournment of the debate.

### DEVELOPMENT (BUILDING RULES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

**The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):** I move:

*That this Bill be now read a second time.*

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

Leave granted.

The Development Act 1993, which came into operation on 15 January 1994, integrates the planning and building assessment processes. A number of consents, including a provisional building rules consent, are required before the relevant authority can issue a development approval. The Building Code of Australia 1990, published by the Australian Building Codes Board, was adopted by all States and Territories as the technical regulations for buildings and is called up as part of the Building Rules under the Development Act.

The Australian Building Codes Board has recently published a performance based Building Code of Australia (BCA 96) which has been progressively adopted by all States and Territories, except for Northern Territory and South Australia, from 1 July 1997. Northern Territory is committed to adoption on 1 January 1998, and the expeditious adoption of the performance Building Code by South Australia will ensure that the development industry in this State is not disadvantaged. In order to adopt BCA 96 in South Australia, it is necessary to amend the Development Act and Regulations.

A performance based Building Code will increase the discretionary powers of the approval authority by allowing a greater range of design and construction solutions which can be approved by meeting the performance requirements of the Building Code of Australia. It will enable the construction industry to be more innovative and should also lead to significant cost savings for construction, particularly in the area of fire safety engineering.

The Bill seeks to provide a procedure for granting a building rules consent within the existing framework of the Development Act, and seeks to achieve a consistent and efficient system which will realise the potential of the performance based Building Code.

The Bill also provides for a Council or private certifier, as the relevant authority, to seek concurrence from a Building Rules Assessment Commission, established as a statutory sub-committee of the Development Assessment Commission. The members of the Building Rules Assessment Commission will have specialist expertise to determine matters relating to the performance requirements of the Building Code of Australia. It is anticipated that where novel or complex construction is involved, a developer may agree, on the advice of the approving authority, to seek concurrence from the Building Rules Assessment Commission on a technical building solution. The Council or Private Certifier, as the relevant authority, will retain responsibility for granting or refusing an application for Building Rules consent.

The establishment of the Building Rules Assessment Commission is in line with other States and Territories, which have also established peer referral groups. It will encourage national consistency in the application and interpretation of BCA 96 and will also facilitate recording and exchange of information at a national level.

The Building Rules Assessment Commission will provide the building industry with expert assistance during the transition from prescribed technical requirements, in the current edition of the Building Code, to the performance requirements of the performance based Building Code.

Consequential amendments to regulations will be necessary, to provide for the establishment of the Building Rules Assessment Commission as a sub-committee of the Development Assessment Commission and to provide for the recording of consequent determinations.

It is intended that the proposal will be cost-neutral to Government. Costs will be incurred for sitting fees for the Building Rules Assessment Commission, to process applications and to record determinations for the national register. There will be a service fee for referring applications to the Building Rules Assessment Commission. It is anticipated that industry will benefit from cost savings, through innovative design, that will far outweigh the fees for their assessment.

The Bill also seeks to transfer certain provisions of Section 28 of the Statutes Repeal and Amendment (Development) Act 1993 to the Development Act 1993. These provisions relate to alterations to existing buildings. They give Councils and private certifiers discretionary powers to require upgrading of those buildings for safety, structural and health standards. These provisions have been slightly modified to accord with the language of the Development Act.

The purpose of the Statutes Repeal and Amendment (Development) Act 1993 was "... to make certain repeals and amendments to legislation to provide for planning and development within the State; to enact transitional provisions; and for other purposes."

The Act was most useful to carry over transitional provisions at the time that previous Acts, such as the Building Act 1971, were repealed, and the Development Act 1993 was implemented. Much

of the Act has now outlived its useful purpose, and is referred to only on rare occasions.

The provisions of subsections (3) and (4) of section 28 form part of the rules which a relevant authority under the Development Act 1993 would need to refer to on a more regular basis. The provisions work hand-in-hand with other provisions for development control contained in the Development Act, and therefore, it is appropriate that they also be contained in the Development Act.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Commencement*

The measure will be brought into operation by proclamation.

##### *Clause 3: Amendment of s. 4—Definitions*

It will be necessary to make specific reference in the Act to the "Building Code", being the 1996 Edition of the Building Code of Australia (as in force from time to time and as modified by local variations and additions but subject to the requirement that alterations will not come into effect in this jurisdiction until notified by the Minister by notice in the *Gazette*, in a manner consistent with the operation of section 108(7) of the Act). It will also be necessary to include a definition of the "Building Rules Assessment Commission", which will be a committee of the Development Assessment Commission.

##### *Clause 4: Amendment of s. 36—Special provisions relating to assessment against the Building Rules*

The provisions relating to the assessment of building work against the Building Rules need to be amended due to the introduction of BCA 96. A key element to the introduction of the new Code will be that any development that is at variance with the performance requirements of the Building Code will not be able to be granted provisional building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent. Furthermore, in a manner similar to the scheme that applies under section 35 of the Act in relation to *non-complying* development, no appeal will lie against a refusal of a concurrence by the Building Rules Assessment Commission, a refusal to give consent if the Building Rules Assessment Commission has refused its concurrence, or a condition that is expressed to apply by virtue of a variance with the performance requirements of the Building Code. The Building Rules Assessment Commission will also be available to express an opinion on whether proposed building work complies with the performance requirements of the Building Code.

The revision of section 36(2) will also result in the deletion of the reference to making a *modification* to the application of the Building Rules. Paragraphs (a) and (b) of subsection (3) must therefore be recast to reflect new terminology. New subsection (3a) will require

that a relevant authority must seek and consider the advice of the Building Rules Assessment Commission before consenting to building work under subsection (3) that would be at variance with the performance requirements of the Building Code. Subsection (7) is also being recast as a consequential amendment.

##### *Clause 5: Amendment of s. 49—Crown development*

Various consequential amendments must be made to section 49 of the Act (Crown development) in view of the amendments that are being made to section 36. The new Building Rules Assessment Commission will need to be consulted before a certificate can be given under subsection (14) in respect of building work that would be at variance with the performance requirements of the Building Code. Any variance with the Building Rules must be specifically identified in the relevant certificate.

##### *Clause 6: Insertion of s. 53A*

This amendment effectively moves into the *Development Act 1993* those parts of section 28 of the *Statutes Repeal and Amendment (Development) Act 1993* that still have substantive relevance. New section 53A(1) will make it clear that a relevant authority can only require such work as is reasonably necessary to ensure that a building is safe, structurally sound and in a healthy condition.

##### *Clause 7: Amendment of s. 86—General right to apply to Court*

This amendment is consequential to the revision of section 36(2) of the Act by this measure.

##### *Clause 8: Amendment of s. 87—Building referees*

This amendment is consequential.

##### *Clause 9: Amendment of the Statutes Repeal and Amendment (Development) Act 1993*

This amendment strikes out redundant provisions from the *Statutes Repeal and Amendment (Development) Act 1993* (especially in view of new section 53A proposed to be inserted in the *Development Act 1993* by this measure).

**Mr FOLEY** secured the adjournment of the debate.

### **GUARDIANSHIP AND ADMINISTRATION (EXTENSION OF SUNSET CLAUSE) AMENDMENT BILL**

Returned from the Legislative Council without amendment.

#### **ADJOURNMENT**

At 2.20 a.m. the House adjourned until Wednesday 10 December at 2 p.m.