

HOUSE OF ASSEMBLY

Tuesday 15 May 2001

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

LANGLEY, Mr G.R.A., DEATH

The **Hon. J.W. OLSEN (Premier)**: I move:

That the House of Assembly expresses its deep regret at the death of Mr G.R.A. Langley, former Speaker of the House of Assembly and member for Unley, and places on record its appreciation for his long and meritorious service, and that, as a mark of respect to his memory, the sitting of the House be suspended until the ringing of the bells.

The motion, I think, describes our respect for Gil Langley. It is with sadness that we today learnt of the death of Gil Langley at the age of 81. Gilbert Roche Andrews Langley—or as he was better known, good old Gil—was born on 14 September 1919 at North Adelaide. He was the Labor member for Unley in this House from 1962 to 1982, and had a term as Speaker of the House of Assembly from 1977 to 1979. He was indeed a popular, hardworking and committed member of parliament.

Whilst he served this House with distinction, it was his great love and talent for sport that earned him a place in the hearts of many people not only in South Australia and Australia but also in the international arena. He was described as ‘one of South Australia’s finest sportsmen, a most endearing sporting and political character’. In 122 first-class matches for South Australia and Australia, he figured in 369 dismissals and scored 3 236 runs at an average of 25.68, so he was handy with the bat as well as with the keeper’s gloves.

Gil played in 26 tests from 1951-52 to 1956, completing 98 dismissals and earning a world-respected reputation as one of Australia’s most reliable wicket-keepers. On his way home from England in 1956, he was named as one of Wisden’s five cricketers of the year, and was made an honorary life member of the Marylebone Cricket Club in 1962, a distinction few people achieve. He was awarded life membership of the South Australian Cricket Association after he retired as a player in 1956. Wisden’s described Gil’s waiting squat behind the stumps as ‘informal as a boy scout grilling a chop at a camp fire’. That pretty well summed up Gil Langley. He was widely regarded and respected for his informality.

I had the pleasure of being in this House but for the last three years of his period as a member of parliament. I recall him as a very pleasant, genial man who would always have a pleasant chat and conversation with you in what we could term the ‘refreshment room’. He was never short of a story in relation to his sporting pursuits and was always an entertaining person to have a discussion with. During that three years, I grew to know the man and respect him for what he was.

Gil was also a player in and life member of the South Australian National Football League and a life member and former captain of Sturt football and cricket clubs. As I said earlier, Gil served this House from March 1962 through to November 1982. He was Government Whip from June 1970 to August 1975, Chairman of Committees from August 1975 to October 1977, and Speaker from October 1977 to December 1979. In describing his parliamentary duties, Gil once said that to represent an electorate effectively a member ‘must keep himself thoroughly conversant with the needs of

the electorate by personal inspection, inquiry and close contact with all’.

I am reliably informed that he was very handy with a screwdriver in assisting constituents as he moved through the electorate, his old trade coming to the fore to help him as a member of parliament in doing the odd chore or job for a constituent. He will always be remembered for that hands-on, personal and sympathetic approach which he had. It would be remiss of me not to mention Gil’s wife, Jean, who predeceased him. He once described her as his greatest stalwart. Gil Langley is survived by four children, Ian, Christine, Shane and Jill. My and my party’s deepest sympathy and thoughts are with them and their families at this time.

The **Hon. M.D. RANN (Leader of the Opposition)**: The entire labour movement will be saddened by the passing of Gil Langley, just as are the government, opposition and all members of this parliament past and present; and as are long-time residents of Unley and lovers of cricket, football and bowls. As the Premier said, Gil Langley, or Gil as he was known to all of us, or ‘good ol’ Gil’, held the seat of Unley for Labor for more than 20 years and served as Speaker for three years during the Dunstan government.

I knew Gil well at the time I worked for both Don Dunstan and John Bannon. He was an outstanding local member, revered in the Unley area for his commitment to residents. He is often held up to new members, indeed to prospective members and candidates, as the quintessential local member, who managed to turn a marginal seat into a safe seat. He held Unley during the most difficult times for Labor, until the time of his retirement. He then became a great stalwart for his successor, Kym Mayes. Gil thrived on doorknocking; his advice to all aspiring politicians was the same: ‘Get yourself a good pair of shoes’. He doorknocked, doorknocked and doorknocked again the entire electorate, and then again. The Premier has mentioned the legend of Gil Langley: the former electrician who doorknocked carrying a screwdriver, offering help around the house. This legend is certainly true, because there are many residents—the elderly and migrant families—in Parkside and Goodwood who can testify how he knocked on the door and fixed their toasters and power plugs and did other odd jobs of work around the place.

He was one of the great and delightful eccentrics and characters of this parliament. He was, as the Premier said, a hands-on local member, beloved by the people he served. Ultimately, that was what it was all about: it was about service, it was about a commitment to the people whom he represented in parliament; it was about a commitment to service in the best and most valued form of that word.

Of course, there are many anecdotes about Gil as Speaker, as Whip and as Deputy Speaker: ‘informal’ is probably an understatement; ‘eccentric’ was at times an understatement. I know that some of his passionate speeches at the height of debate, particularly when in some way he felt that Unley had been sullied in debate, were sometimes hard for Hansard to follow because of their speed. However, no-one ever doubted his commitment. The Premier has mentioned that many South Australians will remember Gil Langley as one of South Australia’s greatest sportspeople. He played 26 cricket Tests for Australia. He toured England in 1953 and 1956, the West Indies in 1955, India in 1956-57 and South Africa in 1949-50.

His test debut was against the West Indies in the First Test at Brisbane in the 1951-52 series, and his last was the Third Test against India at Calcutta in 1956-57. I think he was one

of the country's truly great wicket-keepers, taking 83 catches and an amazing 15 stumpings. The Premier has mentioned the award as Wisdens' Cricketer of the Year in 1957, but in the Second Test at Lord's in 1956 he set a world Test record for the highest numbers of victims snared by a wicket-keeper in a match.

There are differing reports, some saying 10 batsmen, nine caught and one stumped in the two innings. Amazingly, he also excelled as a footballer at the highest level, by representing South Australia. Of course, he was a sporting hero in the Unley area as he played for Sturt at both football and cricket. I understand he played nine seasons for Sturt in terms of football as a nuggety rover, including a spell as captain in 15 state games.

As the Premier noted, he was a life member of SACA, the MCC, Sturt Football and Cricket Clubs and the SANFL. Just wandering through the corridors, one can see testimony to Gil Langley's other sporting achievements: parliamentary snooker champion, both singles and pairs; and, of course, parliamentary bowls champion. So, in every sense of the word—in sports and in this parliament, as a colleague who was polite, respected and loved by all sides of politics—he was the great all-rounder.

Our thoughts and best wishes go to his children, Ian, Shane, Christine and Jill, and our memories are also of his beloved wife Jean.

The Hon. M.K. BRINDAL (Minister for Water Resources): I have the privilege to currently hold the seat that had been held by the late Gil Langley for over 20 years, as the Premier and Leader of the Opposition have said. I do not want to repeat that which has been said about his sporting prowess, but I would like to reiterate the fine memory of Mr Langley that still remains in the seat of Unley, in his capacity as member for Unley.

The Leader of the Opposition has said that he was much loved and much admired, and that is something on which I agree with the Leader of the Opposition. If any member of this House can achieve the reputation that Gil Langley still has in Unley, we will be very proud of our achievement. In many ways he was a remarkable man. He had the common touch.

He is well noted for doing something that, try as I might, I cannot do. If an old lady had an electrical problem, Gil would go around with his screwdriver and simply fix it up. He had an electrician's licence, and I reckon he got a personal vote that probably exceeds any member of this House by free electrical services.

One person who will have a great deal of regret today is his driver, Harry Boyce, who drove him for many years. Harry regretted those days long since gone, when Gil, in an effort to keep in touch with his constituents, would call in to various watering holes all the way home and would insist that both he and his driver—because he never excluded the driver—have a quiet drink. I am quite sure that Harry will tell you some very good stories about the times that he had with Gil.

Those times have changed: they were not wrong or bad in those days; it was accepted. Gil was very much a man of the people, so he will be greatly missed in the Unley electorate. Whilst he was not a member of my party, he was a person who I am proud to say was a previous member for Unley, no matter which political interests he represented. He was very much a fearless person, and did say on 10 April 1988:

I think Labor has got out of touch. In the wake of the Port Adelaide by-election, they have forgotten that it's the people who elect them and it's time they got back to grass roots and to talk to and listen to their voters.

As the Leader of the Opposition said, it was one thing that Gil Langley never failed to do. When he had an electorate office a brothel was located upstairs, and Gil would think nothing of going up to that establishment, even though it was illegal, and talking to and helping the women. That was the sort of man he was. It did not matter who you were in the electorate: he represented the whole constituency of Unley. I hope that, when I leave this place and when I finally die, people will speak half as well of me as they speak of Gil Langley.

Mr De LAINE (Price): I have much sadness in speaking to this condolence motion. The Hon. Gil Langley passed away at 7.30 p.m. yesterday at the age of 81 years after a very long illness. As already mentioned, Gil was the member for Unley from 3 March 1962 until 5 November 1982 and represented his constituents in this parliament for those 20-plus years. He was the Government Whip for five years and Deputy Speaker and Chairman of Committees for two years, and he then became Speaker of this House on 6 October 1977 and remained in that position for just over two years.

Gil was educated at Colonel Light Gardens school, where he was a school mate of the Hon. Geoff Virgo, whom this House recently honoured in a condolence motion. Gil was a very gifted athlete and sportsman, having a wonderful eye and amazing reflexes. He represented his club, state and Australia as a first-class cricketer. He was the Australian test wicket-keeper for five years, participating in 26 test matches. He also excelled at Australian Rules Football and represented his club, Sturt, and his state as a top-class rover. During the war years, Gil also played several matches for Essendon while he was stationed in Melbourne doing essential war work.

He was also a very good lawn bowler, as the leader has mentioned, and represented parliament in parliamentary bowls carnivals. It would be wonderful to have someone of Gil's talents bowling in our team these days. Gil was a very compassionate man and enjoyed representing the working classes in his electorate of Unley. He was also a very friendly man with a fabulous sense of humour. I remember one previous member of this place, Kevin Hamilton (the member for Albert Park), who on one occasion brought in a toaster for Gil to repair—Gil being an electrician. After about two months, Gil had not brought back the toaster. Kevin was in the bar and asked Gil where his toaster was. One of the older Labor members—I think it was Gavin Keneally—said to Kevin, 'You're a pretty slow learner, mate. You won't see that again. Gil will cannibalise that and use the parts to fix up toasters for the elderly constituents in his electorate.' I believe that this happened with several members. They accepted it with good grace and were quite happy to donate their appliances for the benefit of elderly pensioners in Unley.

Gil's community involvement included Meals on Wheels, senior citizens and the Home for Incurables, as well as coaching young people in sport, such was his commitment and feeling for the people in his electorate. He was, indeed, a real character.

I would also like to say a few words on behalf of a former protege of Gil, the Hon. Kym Mayes. Kym was the member for Unley from 1982 until 1993 and a minister of the Crown. Kym contacted me this morning from Queensland, where he

now lives, with a few thoughts about his mentor. Kym has asked me to say the following:

Gil commenced doorknocking with me in February 1981. Every Saturday morning for the next 22 months we doorknocked Unley, including every day for 11 weeks that I took as long service leave in 1982 prior to the election on 6 November. He was tireless in his support and I will be forever grateful to Gil for his support and the example he set on how to serve the electorate. There are some great stories. For example, we became the Langley/Mayes free electrical service. On many occasions he would repair wiring and hang lights for pensioner constituents in the Unley electorate. I recall one extremely hot day in early February 1982 when we hung a light for a pensioner in Unley. I was despatched to the ceiling to pass through the wires. It must have been near 60°C. Gil said that this was part of my apprenticeship.

He was a tireless worker for his electorate and the community, whether it was Meals on Wheels or senior citizens, and he expected, in fact demanded, that I continue the commitment, which I hope I did. He was a great Australian in the true digger tradition. He would always help everyone. I am forever in his debt for what he taught me about compassion and what we should give back to the community.

As has been said, Gil's wife Jean passed away some years ago, but he is survived by daughters Christine and Jill, sons Ian and Shane, and their families. On behalf of the ALP caucus, I extend sincere sympathy to his family.

Mr LEWIS (Hammond): Whilst I met Gil Langley after I became a member of parliament and had no knowledge of him personally other than his exploits as an athlete, sportsman and a member of parliament, which were in the public domain, for some reason or other he took a liking to me and was one of the people who taught me how to play bowls. It was a fairly short, sharp lesson on the occasion of the bowling carnival in 1980 on the greens of the Adelaide Bowling Club in the east parklands. He focused my mind fairly quickly, and the attention and humour of a good many other people. It seemed at the time to be at my expense, although it was not intended to be.

He was always generous to a fault. Indeed, as other members have testified, he was loved for what he would do and gave of himself for others in his electorate of Unley, and he was widely respected for that. I became part of that without even planning or intending that it would be so by accepting a ride home with him to the place where I stayed with my foster son, and that became our habit. We travelled whenever parliament sat at night and he would drop me off or I would drop him off at his home. He would collect me next morning or I would collect him, if he did not have work to do in his electorate office.

I mention that because it became apparent to me pretty quickly that Gil was good at recruiting the assistance of others to help his constituents, wherever some of his pensioners had problems in their garden. After collecting me one morning to bring me, I thought, to Parliament House, he said, 'Laddie, we've got just a few things to do along the way.' I got to Parliament House by 11.30, after having seen to a few trees, some sick vegetables and other problems that people were having with their lawn, by getting rid of cockchafer beetles, or telling them how to do so.

That happened on more than one occasion but I had to tell him that I also had constituents. He volunteered to assist in that regard and ended up coming out to play bowls with me in the mallee on a couple of occasions in pairs matches on some weekends at about this time of the year when the main pennant season was over. It was always great fun. He was a raconteur extraordinaire and kept people in his company always amused.

Some of the speeches at the time they were made in this place bear some resemblance to the record in *Hansard*, but they were far more entertaining to the House at the time than I am sure the reading of them today might reveal. On one occasion, without mentioning the name of the inner suburban member who was a colleague of Gil's in the Labor Party, we were debating shopping hours legislation, and I was advised by way of interjection across the chamber that what I ought to do was go out and walk around my shops tomorrow morning, before morning tea, and find out what they thought. Gil Langley, sitting across the other side of the chamber where the member for Torrens is now sitting, interjected before I could respond, 'It would be some walk, wouldn't it?' At that time I was the member for Mallee, and the electorate extended from Beachport or Millicent to Strathalbyn and to Tailem Bend, almost to Murray Bridge, through to Pinnaroo. Indeed, it would have been some walk, as the other honourable member then discovered. I very much regret Gil's passing because I had a lot of fun with him that I could not otherwise have had. Being the kind of person that he was, he did not seem to mind that I was not a member of the Labor Party and was willing to share his time with me for reasons I have never quite understood but always appreciated. I will miss him.

Mr HILL (Kaurna): I am pleased to be able to stand today and support this condolence motion and extend to Gil's family my sincere regrets at his passing. Gil will be remembered as a sportsman and a parliamentarian and also, as the member for Hammond said, as a good bloke. I remember first meeting Gil in about 1982, when I was the Labor candidate for the seat of Mitcham. We had hired a hall somewhere in the vicinity and John Bannon, as the then Leader of the Opposition, had come along to launch my campaign at a public meeting. Gil had turned up and we had the hall festooned with balloons. Gil was sitting close to the balloons and, halfway through Bannon's speech (which I think was probably a little on the dry side), one of the balloons exploded, and the then leader ducked for cover as did I and half the people in the room. I know Bannon immediately suspected that Gil had been using his screwdrivers for other than electrical purposes.

I will not speak for long because most things that need to be said about Gil have been said. I just noted going through the newspaper records that Gil won his seat in 1962 from the then Liberal member, Mr Dunnage. I like the headline of the time, because it was so prescient. It stated:

Unley is one of those seats which the ALP is hoping to wrest from the government.

That is still the case. Of course, Gil was able to use his test cricketering career to help his campaigning. His slogan—and when I read this I recalled it—for the whole time he was in as member for Unley was:

You're in safe hands with Gil Langley.

Another article in 1968 written by Mark Day from the now expired *News* sums up Gil and his character and career. It states:

Gil is a very popular man in his electorate. He gets good support from the mums and the hundreds of workmen he meets each week through his sporting, political and business connections. He makes business—he is an electrician—work for him politically, calling personally when possible to fix up power points and do odd jobs and discussing the government with his clients.

We will miss him. As I said, I extend my sympathies to his family.

Mr WRIGHT (Lee): I would also like to add my support to the condolence motion. I do not need to speak for long either, because much of what I had to say has already been said. Gil Langley won the seat of Unley in 1962. It was traditionally a Liberal seat. In addition to Gil's winning that seat for the Labor Party for a long time, what is significant about it is that he denied the Playford government the opportunity of an absolute majority and prevented certain constitutional changes from then taking place. It was a very significant victory not only for Gil Langley and the Labor Party but for the shape of politics. Over that period, as members before me have already mentioned, Gil Langley really made Unley his own. In fact, it largely proved to be impregnable despite all attempts by the Liberal Party over a period to win back that seat—a seat that it regarded at that time as being its own. And, might I say, the Liberal Party threw at Gil Langley some very high profile candidates such as leading lawyers, entertainers and so the list goes on.

Gil Langley made his mark in his political career in many different areas. Unquestionably, with regard to his political career, his major characteristic from a campaigning point of view has been covered by a number of people today. I remember well first meeting Gil Langley with my father when he was also in the House of Assembly. Gil was a cult hero in the Labor Party for the reasons I have just outlined. From my point of view, being a younger person at the time, he was a cult hero because of his sporting prowess, which I will return to soon. All that has been said about Gil Langley's campaigning style today is so true. Gil's philosophy with respect to door knocking, despite the great attention that he gave to his constituents, was to keep on the move. He was out doorknocking regularly and he had a belief that you have to keep on the move. Of course, there were times when he did stop and help constituents with replacing globes and using the screwdriver. Being an electrician by trade, he had all those skills.

He was not of the view that he was there to debate policy but, rather, to meet with them, to make contact with them and, primarily, to keep on the move. He had great charm; he was a great local member; and he became a legendary doorknocker during the time he was in the parliament. With respect to Gil's sporting prowess, the details have already been provided and it would be silly of me to rake over it again. Suffice to say he is one of the few sporting legends in South Australia who has excelled at the highest level—at a national level playing cricket and at the state level playing football. Let us not forget that he played sport in an era where players had to have jobs and professions—unlike today. Gil was an electrician by profession. From a cricketing point of view, it was nothing like it is today in relation to both time and remuneration. He was able to excel at both the state and national level. He was a wicket-keeper at the time of Don Tallon so, although 26 tests may not sound many to some people—it is a great achievement, no doubt—he may have and probably would have played many more tests for Australia if he had not been playing at the time of—in the eyes of many—Australia's greatest wicket-keeper.

In 1956, in Gil's last Sheffield Shield match he made a century. He made four centuries as a wicket-keeper for South Australia. It has only been in recent times, with people such as Marsh, Healey and now, of course, the great wicket-keeper we have at present, that wicket-keepers have excelled and started to make centuries for their country. At that time it was unheard of for a wicket-keeper to make a century for his state or nation. As I understand it, only Victor Richardson and Gil

have captained both the Sturt cricket and football teams. We are talking about a person who reached the highest level of excellence in two particular sports. Might I say that at that time those sports—whether or not one argues this now—were the sports with which Australians really identified. Football and cricket during the time that Gil Langley played ranked extremely high—the highest, I think—in relation to male participation.

In conclusion, as the member for Price has already said, Gil was a great supporter of the parliament-press cricket matches, bowls and snooker. I relate one story which I think well illustrates the way in which Gil Langley conducted his life. He was a great mate of Des Corcoran—and many people would be aware of that. During the 1979 election campaign and the lead-up to the election, the 'job rot' campaign was conducted by the *Advertiser*. Deliberately, Gil Langley for the first time boycotted what was known as the Murdoch Cup, that is, the cup that was presented as a result of the parliament-press cricket match. He himself would say that his philosophy was not one of making a lot of speeches or making great speeches on policy-related issues. However, he was a man of principle and he was a man who would stand up, if and when the cause was there. He went on to forgive the *Advertiser* for that campaign and to participate again in the Murdoch Cup.

I appreciate having the opportunity to add my comments to those made by members on both sides of the House. I was particularly pleased to hear some of the personal comments made by the member for Unley, because there is little doubt that Gil Langley was a great South Australian. He was a great member of parliament who served his electorate like no other person could. I think he should stand as an example to us all about how we can and should represent our electorates. I extend my sympathies to the Langley family.

The SPEAKER: I thank all honourable members who have made contributions to the condolence motion. I will ensure that a copy of those speeches in the *Hansard* record are conveyed to his family and I ask members to stand and support the motion in silence.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.35 to 2.45 p.m.]

FIREWORKS

A petition signed by 45 residents of South Australia, requesting that the House ban the personal use of fireworks with the exception of authorised public displays, was presented by Mrs Geraghty.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to the following questions on the Notice Paper, as detailed in the schedule I now table, be distributed and be printed in *Hansard*: Nos 49, 53, 75, 81, 85, 88, 89, 95 and 99.

GOVERNMENT ACCOUNTABILITY

The Hon. J.W. OLSEN (Premier): I seek leave to make a statement.

Leave granted.

The Hon. J.W. OLSEN: My statement refers to a major policy initiative announced by the government today. Last December in this House—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN:—I gave an undertaking that the government would review key policy and management issues in relation to government accountability. As I said at the time, even if it meant dissecting and analysing our own processes in order to improve the systems of government and protect the taxpayers' interests, it had to be done if we were to remain an accountable, honest and open government.

Mr Foley: There is an election coming.

The SPEAKER: Order! The Premier has been given the call.

The Hon. J.W. OLSEN: One issue I committed to looking into was that of access to contracts within government. It is an issue that governments across the nation and internationally are grappling with because the big question is: where do you strike a balance between commercial confidentiality and full public disclosure?

Today I will outline to the House a comprehensive policy position of the government in relation to this vexed issue. As of 1 July all major government contracts, including industry incentives, asset sales, consultancies, major event contracts, grants of over \$500 000 to sporting organisations and copies of all Public Service executive contracts, including those of chief executives, will be earmarked for public release. The underlying principle on which the policy is based is that all government contracts for goods, services and works will be publicly available. There will be exceptions to the disclosure policy, but these will have to be clearly stated and it will be incumbent on the minister or public authority responsible to make these reasons public. However, it is important to remember that the key underlying principle is that contracts will be made public unless there are compelling reasons that they not be. This policy will apply to all public authorities, including SA Water, TransAdelaide, SATAB and the South Australian Housing Trust.

Exclusions will be limited to genuinely confidential business information, trade secrets and intellectual property, defence, national security, public safety or government building security information, public interest and legal risk. Recognising the government's commitment to disseminating information to the widest possible audience through the IE2002 policy, the new contract disclosure system will be internet based and provide open access. Similarly, reasons for any exclusions will be published on the government web site.

There is no doubt that this policy will provide some challenges for executive government, the public service and business community. However, it is one I am confident they will rise to, because ultimately the key beneficiary will be the community of this state. It is the community which will have improved service delivery and accountability through a wider knowledge of the requirements of the deliverables from contracts.

I have also asked for a review of each major contract over the value of \$4 million entered into since December 1993. This review will be conducted by the Prudential Management Group and will recommend to cabinet which contracts should be released. I have asked the Prudential Management Group to negotiate with the private sector companies concerned for a deletion of any confidentiality clauses and, where that is not possible, attempt to negotiate the release of an edited version

of the contract with the reasons why the full contract cannot be released.

As I said at the outset, this is a vexed issue facing governments across the nation. I know that in New South Wales, for example, summary information on goods and services and works contracts is provided on the web; and in Western Australia, similar summaries are available covering goods, services, works and consultancies. With this policy, we will go further again. It simply builds on the government's commitment for open and accountable government while at the same time ensuring that we continue to attract industry to our state.

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

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

AUSTRALIAN CHILDREN'S PERFORMING ARTS COMPANY

The Hon. DEAN BROWN (Minister for Human Services): On behalf of the Minister for Transport and Urban Planning in another place, I lay on the table a ministerial statement concerning the Australian Children's Performing Arts Company.

PAPERS TABLED

The following papers were laid on the table:

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

Institution of Surveyors Australia—Report, 2000
WorkCover Corporation—Report, 1999-2000 Erratum

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

Regulations under the following Acts—
District Court—Pre-action Discovery Fee
Legal Practitioners—Practising Certificate Fees
Supreme Court—Pre-action Discovery Fee

By the Minister for Recreation, Sport and Racing (Hon. I.F. Evans)—

Racing Act—Rules—Bookmakers Licensing—Cross Referencing

By the Minister for Local Government (Hon. D.C. Kotz)—

Corporation of the Town of Gawler—By-laws—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs.

QUESTION TIME

SAMAG PROJECT

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Will the Premier and the Deputy Premier meet urgently with PIMA mining, the proponents of the \$700 million SAMAG magnesium project to be located near Port Pirie, to ensure that the project is not lost to New Zealand because of South Australia's power costs, and does the Premier accept the company's criticism that his government helped create the current energy crisis?

The SAMAG proposal will create about 500 jobs in the construction phase and about the same number of jobs in ongoing work in a region that has suffered from high rates of unemployment. The company's Managing Director, Mr Ric Horne, says it is considering moving the project to New Zealand. Mr Horne said on radio:

The government here... is one of the problems, in that they haven't seen the problems that have been created with energy. The energy costs in South Australia are outrageous.

The proposed SAMAG project is at a critical stage with crucial investment decisions, worth hundreds of millions of dollars about to be made. The company has advised both the government and the opposition that it would like construction to begin later this year.

The Hon. J.W. OLSEN (Premier): I can assure the Leader of the Opposition that the government and the Deputy Premier have met consistently and repeatedly with the proponents of SAMAG over a period of time. It is an important project. We have sought to establish it for South Australia. A little bit of homework by the Leader of the Opposition would have identified the fact that we have worked hard and have secured a gas pipeline—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I call the leader to order.

The Hon. J.W. OLSEN: If the Leader of the Opposition would listen for just one moment—I know it is hard, but just give me one moment. We have worked with SAMAG to overcome one of the issues related to their investment, that is, the lack of gas availability in the state. This government has secured a private sector funded gas pipeline between Melbourne and Adelaide. The principal impetus for that was the SAMAG project. When the gas arrives, SAMAG proposes to become a generator. They will generate electricity themselves. So, I think the Leader of the Opposition should do an ounce of homework before coming in and asking such a question. The key to this is the energy source, the fuel source, for the generator, which is gas. We are playing a catch-up game in terms of—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will remain silent.

The Hon. J.W. OLSEN:—the 1980s and early 1990s in this state because we had one source of gas, out of the Moomba gas field. That Moomba gas field cannot keep up with the demand and economic growth that we are seeing in South Australia at the moment. What we have is growth in electricity consumption in this state that is, as I am advised, outperforming the other states of Australia; that is, economic growth, demand for electricity at about 8 per cent year on year, instead of the projections of 2 per cent. Why has that come about? In a number of cases it is because of the renewed investment in the state. Let us compare the last seven years of this government, attracting investment and jobs in this state in stark contrast to the period in which the Leader of the Opposition was the minister for employment (and that should have been 'unemployment'), where he lost 32 jobs per day every single day that he was the minister. This government has attracted companies like BHP and its shared services centre; Westpac and its mortgage loan processing centre, with something like 2000 jobs and another 600 to come to the state; the Ansett call centre, with a couple of hundred employees and the number to go up to 500; the industrial supply park at Elizabeth; and a whole raft of automotive component supply firms. I could go on—with Saab, the major defence contractor and BAE, the world's third largest defence contractor, which is consolidating out

of New South Wales and Victoria into South Australia. I could mention Electrolux, which bought out Email and which is consolidating out of New South Wales and Victoria into this state.

Let not the Leader of the Opposition lecture or ask about investment. It is this government which has, over seven years, got this state back off its knees. It is this government which has a raft of new investments in this state. It is this government that brought about in the calendar year 2000, according to the Australian Bureau of Statistics, a growth of 3.6 per cent, compared to Queensland's 2.1 per cent and no growth or negative growth in the other states. How did we get that new investment, new jobs and new economic activity? By being proactive, going out and winning business, getting this state back on the radar screen and retiring debt so that there was no fear about investing in this state. This government has, over seven years, performed and delivered on investment. I can assure the Leader of the Opposition that we will continue to do so.

HINDMARSH SOCCER STADIUM

Mr SCALZI (Hartley): My question is directed to the Deputy Premier. Can he inform the House of the latest negotiations to maximise the benefit of the Hindmarsh Soccer Stadium to the South Australian community? With your leave, I will seek to explain.

Members interjecting:

Mr SCALZI: Don't you like soccer?

Members interjecting:

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

Mr SCALZI: I am not a fairweather soccer fan. I understand that the Deputy Premier, having negotiated an agreement late last year with the South Australian Soccer Federation and the Adelaide Force National Soccer League Club, has encountered some difficulty in obtaining the necessary agreement of the Charles Sturt Council.

The Hon. R.G. KERIN (Deputy Premier): It is interesting that the opposition has not asked one question about this since last year, and I will tell members why that is. It is quite correct that it has been difficult to obtain final consent. After the successful negotiations with the Force, the Federation and the government have got their act together. We have been able to work through difficult issues that were there, and what we have come across is interference.

During negotiations with the Federation and the Force, the need to take management control of the stadium became very obvious. Hindmarsh is a world-class stadium and drew very high praise during the Olympics. It is important that, whilst it must remain the home of soccer in South Australia, other uses of the facility must be pursued and the viability of the stadium enhanced by management broadening its use to other sports and activities.

This can be done by negotiating arrangements with the Soccer Federation, backed by the council simply stamping a consent on the mortgage of the lease, or purchasing the stadium. Late last year, consent to the mortgage of the lease by the council should have been an absolute formality in the interests of ratepayers, the soccer community and the state, but we started experiencing interference in what should have been a standard council procedure.

Soccer was put at risk at all levels, due to a lack of decision-making by council, which asked for constant

deferment on the ground that it wanted more advice, and yet constant offers of advice—

Mr Foley interjecting:

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

The Hon. R.G. KERIN:—were just not taken up. They just would not ask. In fairness to the Federation, it tried to brief councillors. Many would not take the briefings, and the comments coming back were things such as ‘Sorry, it’s now political.’ This was despite the interests of the community being put at risk. The outside influence on the councillors was now obvious. It was reported in the local press that the majority of the councillors were members of the ALP, and if the member for Spence were here he could probably tell us about that.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I caution the leader. He has already been warned once, if he will please bear that in mind.

The Hon. R.G. KERIN: As anxiety was growing within the soccer community, contact was made with ALP members, but they got the same type of answer: either ‘Someone else is handling it’ or ‘Sorry, it’s political.’ There were reports of growing concern among some councillors about what they were doing but, once again, the interference remained strong. The interests of the Soccer Federation, grass roots soccer, the communities involved and the ratepayers were being sidelined by political interference.

In return for the building of a world-class facility and bringing the Olympics to Charles Sturt, the council had agreed to a long-term lease to the Federation. Constant pressure was put on the Federation to go back on that deal and for it to pay more, despite that initial agreement having been made. At this point I make clear that I believe that was not driven by the councillors but by political interference in ensuring that no resolution of the issue could be reached—a game being played to push resolution of this issue out past the Auditor-General reporting, with the base political mischief of the ALP taking precedence over the responsibilities of some councillors and the future of a world class facility and the community that was looking after that facility.

But even more appalling was the neglect of the interests of soccer—both at the national and grass roots levels—that was shown during the process. As it became obvious that politics was getting in the way, we decided to try to make an offer to purchase the stadium as a long-term remedy and to take the council out of the loop. An offer for the stadium was made. The council entered negotiations, and last Wednesday it carried a motion that gave us a real chance and some hope of a final resolution. However, on the next day, after councillors had gone home and contacted their masters, what we saw was a—

Members interjecting:

The Hon. R.G. KERIN: The next day a notice of motion was put to rescind the motion that had been passed by council. That is a disgrace, and you do not have to be a genius to work out what had happened. Councillors who, I believe, genuinely want to represent their community, again, have been told to block a resolution: forget the soccer community, forget the community of Charles Sturt, forget the future of a world-class stadium and forget the taxpayers of South Australia. It is a bit like the pledge: we got you there, now do as you are told, not what you know is best for your community. The true test for the councillors will come at the next meeting, when they can take the choice of either looking after their community and the soccer community or, yet again, answering to their masters in the Labor Party.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): He is not exactly scary, is he? Will the Premier meet with representatives of the Culshaw Group of Companies to explain why he promised that power bills would fall after privatisation when the Culshaw Group’s bills are set to increase by as much as 100 per cent? I have received a copy of a letter sent to the Premier by Mr John Culshaw of the Culshaw Group of Companies, which currently pays about \$200 000 in power costs. In his letter, Mr Culshaw states:

We have been led to believe by your government that privatisation of the power industry will lead to competition and price cuts. Currently, indications are that our power bill will increase between 65 and 100 per cent. The situation is out of control and you need to act quickly. We are not only deeply concerned with the direct increase but more particularly with the multiplying effect in other indirect costs. Even local government is talking about rate increases to accommodate increased power costs.

The Hon. J.W. OLSEN (Premier): When I receive the letter I will be happy to respond, and it will be in the context that the national electricity market has components to it that are not working in either this state’s interests or the interests of Victoria or New South Wales. That is why I have asked for this matter to be listed at the Premiers’ Conference and why the Premiers of New South Wales and Victoria have supported that move. It is also why the Prime Minister has agreed for the national electricity market to be placed on the agenda. We have a situation involving a national electricity market where a model put in place—

Mr Foley: By you.

The Hon. J.W. OLSEN: The architect of the national electricity market was the Keating Labor Government, and this government, in its early years, signed off on the agreement negotiated between the Labor federal government and the respective state governments. It was a matter of joining the national electricity market. This state had no choice, because at risk was some \$55 million worth of competition payments. The national market is not operating as they indicated it would: that is the important point.

Governments in the model that has been put in place with the National Electricity Code Administrator and the National Electricity Market Company, two bodies over which we do not have a controlling influence—

Mr Foley interjecting:

The Hon. J.W. OLSEN: Even the member for Hart had to be corrected. He intended to direct the South Australian representative on NEMMCO as to what he was going to do until it was pointed out to him that he cannot do that. In relation to NECA and NEMMCO—

Mr Foley interjecting:

The Hon. J.W. OLSEN: Yes. In relation to NECA and NEMMCO, market rules are in place that are impacting on a number of states. If the Leader of the Opposition wants to help find a solution to this problem, he might ring Bob Carr, Steve Bracks and Peter Beattie and seek to get their support for changes so the various governments can get back some management and policy control of the national electricity market. That is the only way.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has had a fair go. I warn him for the second time.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Bob Carr does not tell me when he has meetings with you. In relation to the national electricity market, if the leader is genuine about any sort of solution to the problem, I ask him to take up with his interstate counterparts who, at that 8 June meeting, will have the opportunity to join with South Australia to put in place some policy changes. The various jurisdictions have to get back some policy control of the national market. That is the first and most important step. The second aspect is how we can generate more electricity in South Australia to meet the need.

Mr Foley interjecting:

The Hon. J.W. OLSEN: That is the other point where the member for Hart had it wrong. The member for Hart keeps saying that we, that is, the government of South Australia, are blocking the Riverlink proposal. At least at the Economic and Finance Committee I understand that the fault of his ways was explained to the honourable member, that we do not have the power to block Riverlink; it is NEMMCO that has that decision. We have said that we will give major project status to Riverlink as soon as NEMMCO ticks off on it, and that is an important point. Bearing in mind that TransGrid has already told the government of South Australia that it has the funds in place to build Riverlink, one wonders why on earth the Labor Party is going to put \$20 million into a project that is already funded. That is typical of the Labor Party—spend, spend, spend and don't worry about the debt.

In the last few months we have sought, obtained and announced with the private sector a number of peaking plants. A number of them will be in place before next summer. Greater generating capacity, greater supply, is also an important component, but there is no one single or simple solution. A number of steps and measures have to be put in place to correct what is an unsatisfactory, undesirable set of circumstances. This market—

Mr Foley interjecting:

The Hon. J.W. OLSEN: I can understand why you keep saying that, and I understand why you keep distancing yourself from being the architects of the model. Be that as it may, we have never squibbed fronting up to a responsibility, whether it is eliminating the state debt that we inherited or building new investment in the state. We have never squibbed fronting up to issues and responsibility for those issues, and we will not on this issue. We will work diligently through the various bodies to look at the measures that need to be put in place to correct a set of circumstances which, as I said and I repeat, are undesirable within the South Australian community.

I also repeat that there is no one or simple solution to the issue. A myriad of steps have to be taken and implemented. I again ask Labor governments on the eastern seaboard which are experiencing a not dissimilar problem from ours to assist at the 8 June Premiers' Conference with the steps that will bring about the changes.

Mr Conlon: You do something.

The Hon. J.W. OLSEN: I have.

Mr Conlon interjecting:

The Hon. J.W. OLSEN: I am glad the member interjects and I am happy to respond to the interjection. The House will remember that almost two weeks ago I went to meet with AGL. For the benefit of the House, I remind members of what the member for Hart said at the time, as follows:

The senior management of AGL have met twice with me in recent weeks. They have been in Adelaide almost every day through this crisis. The Premier flying off to Sydney is nothing more than a

publicity stunt, an attempt to deflect attention from the crisis crippling the state.

He went on to say on 5AA:

This is nothing about reducing power prices in Sydney today.

As a result of my discussions with AGL, which the Labor Party attempted to block me from having, some changes have been brought about. Are they enough? No, they are not. Are they a step in the right direction? Yes, they are. There is the capacity to take \$20 million off the cost of electricity in year 1, with a \$37.5 million cost over the period. That is the outcome of the meeting I had on Wednesday almost a fortnight ago. There has been a \$37.5 million reduction in impost on businesses in this state.

Mr Foley interjecting:

The Hon. J.W. OLSEN: It was not a publicity stunt as the member for Hart said. I indicated that I would get on a plane, eyeball the people and talk through the issue with them. I would do it with the people who counted—not the PR consultants who most probably met with the member for Hart—the managing director of the company. As a first step, \$37.5 million was worth every minute of the trip to Sydney to have a discussion with them. I hasten to add that a lot more needs to be done, but that is at least a step in the right direction. The other thing that the leader seeks to omit and forget, and that I will take up with Mr Coleshaw and others, is that, unlike the other states, we in this state have started to reduce costs on business. Members should consider WorkCover costs. On 1 July last year, there was a \$25 million, 7.5 per cent reduction. Foreshadowed for 1 July this year, a further \$83 million of either savings or retained earnings or benefit will be going to the business community. Therefore, during the next financial year, \$103 million of benefit or saving—

An honourable member interjecting:

The Hon. J.W. OLSEN: I am sorry; \$108 million (I stand corrected; 83 and 25 make 108) in benefit or saved premiums will pass into the business community. That is in stark contrast to Labor administrations in Victoria and New South Wales, where their WorkCover costs and premiums are going through the roof. If we want to compare apples with apples, we should compare all the costs on both sides of the ledger, and I know who will come out on top: it will be the competitive advantage of South Australia. That is why BAE, SAAB, Electrolux, Westpac, Bankers Trust and Ansett have all selected this state for investment—because we have a skilled, available work force with the right attitude and a competitive advantage, and we will continue that.

ELECTRICITY, SUPPLY

The Hon. D.C. WOTTON (Heysen): My question—

Members interjecting:

The SPEAKER: Order! I warn the member for Elder.

The Hon. D.C. WOTTON: —is directed to the Minister for Environment and Heritage. Will the minister advise the House whether South Australia's electricity generation capacity can be expanded to overcome power shortages in a manner which minimises potential for environmental harm?

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for the question. It follows a question just asked of the Premier and his answer to that. Members would be aware that in March this year there was a statement of opportunities issued by the National Electricity Market Management Company, indicating that for the South

Australian and Victorian regions a power reserve deficit would be forecast for the next summer. Obviously various companies have had a look at that opportunity and are looking to install additional gas turbine generators to overcome that shortage within the market. For example, AGL proposes to establish an open cycle gas turbine power station near Hallett of up to 250 megawatts, and we certainly welcome that announcement by AGL. The plant is to be sourced internationally and the first 100-megawatt facility should be installed by 1 December this year. Of course, the attraction of Hallett, some 160 kilometres from Adelaide, is its proximity to the Moomba to Adelaide gas pipeline and also the existing electricity transmission line.

Members should be aware that power stations are subject to the provisions of the Environment Protection Act and its various policies. AGL has advised that its preliminary plans include the addition of technologies to reduce emissions as much as is practicable and that the maximum emission will result in compliance with the relevant ground level standard derived from NEPA in relation to ambient air quality. For those members who are not aware, NEPA is a national instrument automatically adopted as the South Australian law under the Environment Protection Act, and compliance with standards in the NEPA is considered to represent adequate protection for environmental harms involving those pollutants.

The government's intention, therefore, is to make a regulation under the Environment Protection Act to exclude gas turbines for electricity generation located outside the metropolitan Adelaide area from the broad discharge limits in relation to nitrogen oxides. It is important for members to note that the application of the remainder of the act, including its general environmental duty, will be retained and that the AGL operation will also be subject to any conditions of licence granted by the independent Environment Protection Authority. The authority, of course, reviews the conditions of operation whenever a licence is due for renewal.

Basically, this puts generators in a similar industry class to both cement manufacture and glass manufacture. Both those industries are similarly exempted in a similar process and, indeed, involve higher levels of nitrogen oxide released into our environment. We have taken a positive step to get better generating capacity into South Australia and we look forward to working with AGL and other companies to deliver more generating capacity to the state.

ELECTRICITY, PRICE

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Will tenants in shopping centres and office blocks face higher rents to offset higher electricity costs, or will landlords be required to absorb cost increases; and, if so, how will the government enforce this? The Property Council has warned that South Australia is in danger of coming off the investment radar screens if property values are affected by expected increases in electricity prices of up to 100 per cent.

The Hon. J.W. OLSEN (Premier): I am glad that the Deputy Leader of the Opposition has acknowledged that we have come onto the radar screen for investment in South Australia, as a result of not only major redevelopment in shopping centres such as Westfield at Tea Tree Gully and Marion but also development that has taken place at Holdfast Shores, the refurbishment of other shopping centres and the AMCOR development and Woolworths at Gawler. These

projects clearly indicate that investment has followed the retail market. The retail market has clearly demonstrated that our maintenance of retail confidence and sales in this state has outperformed other states. In addition, motor vehicle sales also continue.

I ask the deputy leader to look at the sum total. When a company invests, it invests in terms of what are all the costs. It does not just take one cost or one issue. South Australia has lower land costs than the eastern seaboard; lower capital costs for construction than the eastern seaboard; lower average weekly overtime earnings than the eastern seaboard; and a saving of between 15 and 20 per cent, on average, in terms of operating a business in this state compared with the eastern seaboard. That should be considered together with the savings that will result from the WorkCover levies, so that there is no doubt that businesses in South Australia—unlike the situation in Victoria, where the Bracks government is anti-small business, with a range of costs, taxes and measures that have been applied to that sector—having got onto the radar screen will stay on the radar screen. The reason we will stay on the radar screen is that we will keep the competitive advantage going for our state.

OPERATION ATLANTA

Mr VENNING (Schubert): Can the Minister for Police, Correctional Services and Emergency Services inform the House of the recent success of the cannabis phone-in day and any alternative policies of which he is aware that would adversely impact on the success of this initiative?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I note the honourable member's concerns about illicit drugs, and I am delighted to answer the two points raised in his question. I am pleased to advise the House that, during Operation Atlanta, Crimestoppers received 763 calls between 8 a.m. and 11 p.m. last Wednesday. Of that, 96.7 per cent of all calls were to do with concerns the community had about cannabis. As a result of the operation, 76 properties were searched, 43 arrests and reports were made of persons involved in illicit drug activity, 32 hydroponic systems were seized, one outdoor crop was located and 690 plants with a value of \$2.07 million were seized. I am pleased to report to the House that last night, as the focus on the cannabis issue continues in the community, another report came to the police. I went down to Carrington Street to look at it today and found out that last night \$500 000 worth of dried cannabis was located in three drums. There were 62 other offences detected, and shotguns, rifles and batons were also seized.

I place on the public record my appreciation of the police, their commitment to combating illicit drugs and their understanding of government policies. Clearly at this stage it is relevant to congratulate the community of South Australia because wherever I go people are telling me that the government needs to be committed to its tough on drugs strategy and that they are worried about their families and about the future of South Australians and Australians when it comes to illicit drugs. The policies of the state Liberal government are clear: we will continue to remain tough on drugs.

In answer to the other point in the honourable member's question, of whether I am aware of any alternative policies that could work adversely against the commitment the police and the government have to combating illicit drugs, I advise that I am aware of alternative policies that would work

against that. First, the question of our coming down to three plants is still not guaranteed. There is still a question mark around that and I would like the Leader of the Opposition in this House to give us one policy, one policy only. Does he support the government's three-plant bill? Does the Leader of the Opposition support the fact that the government has come down to three plants? I have grave concerns about this and I advise why.

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: One Labor member—and I would like the member for Peake to listen to this—said that illicit drugs was only a minor problem. Another Labor member said:

I would much rather see a wider debate on other options that we could use: perhaps looking at the whole issue of the growing of certain numbers of marijuana plants to be legalised completely.

That is what they are advocating in their policy and that policy says to me that if you want to go and get milk under Labor you will be able to get marijuana at the corner deli at the same time. That soft policy works against the best interests of the young people of this community. Under the failed 1987 Labor policy we now see 14 to 19 year olds using cannabis at unprecedented levels.

The SPEAKER: Order! A point of order! The minister will resume his seat.

Mr CLARKE: Under standing order 98, will the minister answer the substance of the question and not go into debate or argument?

The SPEAKER: Order! The chair upholds the point of order in that the minister is now straying into debate. I bring him back to the substance of the question.

The Hon. R.L. BROKENSHIRE: In summary, the community of South Australia has a simple option when it comes to illicit drugs and the welfare of the community: continue to support the state Liberal government, continue to support the police and we will do everything we can to make a major effort in combating illicit drugs and a major effort in getting all the cannabis off our streets. Support the Labor Party and you are in for a tough time because it is soft and sappy on illicit drugs.

ELECTRICITY, PRICE

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Why did the Premier—
Members interjecting:

The SPEAKER: Order! The House will settle down and come back to order.

Ms HURLEY: Why did the Premier support the doubling of the maximum wholesale power price for electricity from next April which will take that price from \$5 000 a megawatt hour to \$10 000; and what action is he taking to defer or block this increase now he has admitted that he was wrong? Last week the Premier said he now wished he had never agreed to doubling the maximum price of power.

The Hon. J.W. OLSEN (Premier): This is the megawatt hour bold pricing which in April next year is due to change from \$5 000 to \$10 000, which all state governments signed off on.

Members interjecting:

The Hon. J.W. OLSEN: Yes, but I just want to make the point to the deputy leader: all state governments signed off on the model that was advanced by the authority.

Members interjecting:

The Hon. J.W. OLSEN: I beg your pardon?

Mr Conlon interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Yes, it is definitely Senate stuff. It is not South Australian House of Assembly stuff. Flushed red, Patrick? I must have hit a nerve there somewhere. To come back to the point, yes, I have said that that movement next year ought not go ahead. Once again, I would hope that, at the Premiers' Conference at COAG, we would get agreement among the states.

I think that Victoria in the first instance said, 'Yes, we ought to put this restriction on,' but then in the next breath the minister said, 'No, we shouldn't, because it would restrict generating capacity.' I would hope that the Premier, rather than the minister, when they go to the Premiers' Conference on 8 June, will reconsider that position. Certainly my advocacy at that will be that there should not be a change in April next year.

PARTNERSHIPS 21

Mrs PENFOLD (Flinders): Can the Minister for Education and Children's Services report on developments in local management in South Australian schools and preschools since he updated the House last November?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Flinders for her question, because it is an important one. I am pleased to report to the House that close to 80 per cent of preschools and schools have now joined Partnerships 21. That means that over 700 of our preschools and schools have voluntarily—I repeat, voluntarily—joined up into local management and to reap the benefits of local management.

The following are just a few examples of those who have joined since I last reported to the House in November: Pennington Kindergarten; Windsor Gardens Vocational College; Charles Campbell Secondary; Christies Beach, Bordertown and Renmark High Schools; and Kimba Preschool. We hear from members opposite those same old tired, parroted lines. The leader says that Partnerships 21 is 'flawed', that it is an 'ugly and open secret'. Even the member for Taylor alleges that aspects of Partnerships 21 are a state secret. Well, it is such a secret that 80 per cent of our schools and preschools have voluntarily joined the system.

To the opposition's peril, and to the peril of Australian Education Union with its persistent negativity, they continue to ignore the very voices of those whom they seek to represent: the mums and dads of the community who want to come into this and who continue to embrace local management. What members opposite fail to see or understand is the power that this partnership actually delivers into local communities.

It is not the bureaucracy or the faceless people in head office who are making the decisions: it is the mums and dads on governing councils who are making decisions for their own schools in their local communities for their own children. That is why they have ignored the idiotic calls from both the opposition and the AEU and have seen the benefits and joined up. I think they probably know that the AEU is somewhat irrelevant, because only 42 per cent of teachers actually belong to the South Australian education unions. That is four out of 10—not even a majority—and that does not take into account how many actually voted for the current president. I have been to many schools where teachers have come up to me—

Members interjecting:

The SPEAKER: Order! The Minister for Government Enterprises.

The Hon. M.R. BUCKBY: —and they have said, ‘I have been a member of the union for over 30 years and I have just resigned because I am disgusted with the actions of the union over Partnerships 21 and I am disgusted with the way they have operated the enterprise agreement.’ Is it any wonder?

Members interjecting:

The SPEAKER: Order! I warn the member for Peake.

The Hon. M.R. BUCKBY: Is it any wonder, with the negativity of this union in our state that we are continuing—

An honourable member interjecting:

The SPEAKER: There is a point of order.

Mr CLARKE: My point of order relates to standing order 98, regarding answering the substance of the question and not straying into debate. He has not strayed into it—he has weighed into it.

The SPEAKER: Order! I have heard the explanation. There is no point of order but I just ask the minister to concentrate on the question.

The Hon. M.R. BUCKBY: The fact remains that Partnerships 21 is being taken up by ever increasing numbers of schools within our community. It is clear evidence that the community supports this. In a survey last year of Partnerships 21 schools and other schools, this form of local management was clearly supported. The survey rejects totally the misinformation that is put out by the AEU and the opposition. The truth is that in the 15 months since we began to introduce local management, over 80 per cent of schools and preschools have joined up, voluntarily. What is more, support for the scheme is now well established and I expect that by the end of this year over 90 per cent of schools will be in the scheme.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given that any savings to consumers of electricity from the AGL statement depend on actions by the generators, will the Premier now admit that some South Australian private generators have been unscrupulously engaged in ‘gaming’, that is, withdrawing supply at peak demand times so that they can re-bid later on a higher price. Why has the government so far failed to take action against generators which engage in gaming?

The Hon. J.W. OLSEN (Premier): There are some appropriate authorities that check on the activities—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has asked his question.

The Hon. J.W. OLSEN: My understanding is that those investigations (and I will check this) are, in fact, taking place. As the Minister for Environment advised the House today, we have given support for AGL to put in place 250 megawatts of peaking capacity, based at Hallett; 50 per cent of that will be available for this summer. In addition to that, Origin Energy will produce, I think it is, 140 megawatts of additional peaking capacity. Auspine and others are talking about participating in this market. So, there is a trigger for a range of additional peaking generating capacity plants and investment coming on stream. A number of them will be here and available, providing greater capacity for this summer period.

Importantly, given the growth of our economy, where demand is increasing at 8 per cent (fourfold that which was projected) and given that our economy is growing at a faster rate than other states of Australia, it is a catch-up game in that

instance. In those circumstances I do not mind playing because, if the economy is continuing to expand and the demand is continuing in terms of the amount of electricity then, on the other side of the coin, there has to be something going right. This is called ‘jobs’; this is called ‘more investment’, ‘diversification of an economy’ and ‘being a lot better off than we were seven years ago’.

BRANCHED BROOMRAPE

Mr LEWIS (Hammond): My question is directed to the Deputy Premier—

An honourable member interjecting:

The SPEAKER: I warn the member for Elder.

Mr LEWIS: —in his capacity as Minister for Primary Industries. In view of the advertised contracts in the public notices about the measures that the government is taking to deal with the spread of branched broomrape, that is, *Orabanche ramosa*, in the Mallee, what prompted the government’s policy backflip from control and containment to eradication? What is that policy now and how much is to be spent on this new program?

The Hon. R.G. KERIN (Deputy Premier): I am not too sure of what the honourable member means by ‘policy backflip’. As far as branched broomrape goes, it is a major problem. It is through quite an area of the mallee now. I take it that what the honourable member is talking about is the decision that has been made that on some roadsides we will try to eradicate those patches on public lands, to stop the spread from there but, at the moment, because of the extent of the problem on properties in the broad acre sense, containment with the long-term aim of eradication has to be where we stay. I am not sure of the question, but it may well be that there is confusion as to the policy along roadsides, where we want to clean up certain areas.

ELECTRICITY, RIVERLINK CONNECTOR

Mr FOLEY (Hart): My question is directed to the Premier. Given AGL’s statement last week that electricity price rebates for its customers will depend on lower wholesale or pool price, will the Premier give the government’s full support—as asked for by AGL and the Labor Party—for the building and operation of the Riverlink interconnector with New South Wales by 2002, which his government has actively campaigned against and which, of course, it had asked NEMMCO previously to defer?

The Hon. J.W. OLSEN (Premier): I can repeat the answer to a former question, because this is simply regurgitating the question.

Mr Foley: It is an important question.

The Hon. J.W. OLSEN: I answered it in the third question, I think, that I had for the day. Perhaps I could cut it short by sending the member for Hart the *Hansard* pull—

Members interjecting:

The Hon. J.W. OLSEN: The big picture? I will draw it so that he can understand. The member for Hart was, I think, at the Economic and Finance Committee meeting on Thursday when it was apprised of the fact that NEMMCO makes the decision on Riverlink, not the South Australian government. I repeat that the South Australian government will give it major project status when NEMMCO, which is the regulator, gives it a tick—and it has been in NEMMCO I understand for about 18 months or thereabouts.

I know that does not suit the Labor Party's political argument out in the community, and I know that it will keep repeating the untruth of it in the broader community for base political circumstances, but Riverlink and its go-ahead or otherwise is down to NEMMCO. It is not the South Australian government, although we will give it major project status, like others.

This is something which has not been plotted, as I understand it, and which goes through some national parks and a couple of jurisdictions; native title has not been sorted. How the honourable member expects that to be up in the timeframe that he suggested in the House would defy logic.

But I am interested in the ALP's policy that it packaged and put out hurriedly last Monday, just coincidentally when we were in our community cabinet meeting in the Upper South-East. That sort of photocopy version of everything we have announced and are doing had one addition: it had \$20-million into Riverlink. Transgrid, the proponent of Riverlink, has advised the government of South Australia that it has all the money to put in, so the opposition does not need its \$20 million, so its policy is nonsense.

If members opposite are going to photocopy our policy, they ought at least to put in a disclaimer that they have simply copied the policy of the government. But what the Labor Party did by admission in photocopying our policy to put out as its power policy, so-called, was to admit that there is no simple solution. The Labor Party's policy demonstrated that there is no simple solution to this national electricity market. I have indicated that there is an issue and a problem. The national market has not matured. Let me give members an example. In the retail trade, people can shop at Woolworths, Foodland, Coles or Bi-Lo. The problem with the national market is that there are not enough retailers, such as Coles and Foodland, so that people can shop around.

But that market will mature. Other players are in the market, but it is the generating capacity that is contracted to the retailers. I do not know what the number is now: it was seven, and there have been another two or three in this past week, so it must be close to 10. They will install peaking plant. If you have 10 peakers across the state meeting peak demand, the generators cannot pick up those prices to the point that we saw on occasions last summer; that is the point. In addition, there is the example of a hotel in Port Lincoln that has its own generating capacity, enabling it to offset an interruptible supply to bring in its own capacity. Again, that is where the investment, previously installed by that hotel, will now meet some of its peak demands and interruptible supply, which will reduce its rate.

I simply put to the member for Hart that, whilst he sits over there and whinges, whines and carps about it, he does not provide any single tangible solution to the issue.

Mr Foley interjecting:

The Hon. J.W. OLSEN: No, you did not last week. We will systematically work through and address the issues. They are important for our state; they are important for businesses; and it is important that we get this right and corrected. We are in no different position than New South Wales and Victoria—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart. The honourable member has had a fair go.

The Hon. J.W. OLSEN: —in terms of where this national market is going, and we will continue to work our way through it. There is a problem and there is no single simple solution, but as with all those issues to which we fronted up, such as debt, lack of investment and lack of jobs,

we will not walk away from it; we will not squib it: we will front up to our responsibility.

NATIONAL VOLUNTEERS WEEK

Mr WILLIAMS (MacKillop): Will the Minister for Environment and Heritage, who is responsible for volunteers, advise the House of support and initiatives in South Australia for National Volunteers Week, which is occurring this week?

The Hon. I.F. EVANS (Minister for Environment and Heritage): This week, of course, is National Volunteers Week in the International Year of Volunteers. It is important that we take the opportunity to outline some of the initiatives the government has undertaken, not only over the course of the year but during this National Volunteers Week. Of course, volunteers in any community play a very important role. Just looking at the area of sport and recreation within Australia, I am told that something like 1.5 million volunteers are providing approximately 165 million hours of unpaid work and delivery of recreation and sport each and every year.

That is an example of the huge volume of effort contributed by various groups to try to improve our community services in all sorts of areas. Last night I had the opportunity to attend a seminar conducted by the Office of Recreation and Sport at Football Park to kick off this week's celebration of National Volunteers Week as it relates to the Volunteer Club and Management Program, which is an improved volunteer improvement program (VIP). For those members who have been aware of the VIP program offered by the government agency over the past three or four years, this is the next step in volunteer and club management training.

Many in this House would have experience of being a cricket club secretary, a netball club president or perhaps involved in their Neighbourhood Watch group, etc. Quite often those groups have absolutely no training in the hand-over of responsibility from one volunteer to another. I know that, when I took over the role as a cricket association secretary, the only training I received was that someone said, 'Here is the minute book, there is the correspondence file—good luck.' On that simple advice one had to try to run a cricket association.

Over the last decade, governments of all persuasions have taken training of volunteers more seriously and poured more resources into their training and, last night, we kicked off the volunteer and club management program, which is about training volunteers, in this case in sport and recreation, to deliver a better product to their members. It is recognised generally that there is far more competition in the marketplace for volunteers and for people's recreational time. If volunteer groups do not provide a reasonable level of training and a decent level of service to their client base, there is another competitor for their time down the road and people will simply move down the road to a group that provides a better service. Therefore it is important that all groups provide a good level of training.

To that end, we wrote to the federal government saying that the package, which was developed through the federal bureaucracy, is a very good product and needs to be launched across not only sport and recreation groups but other volunteer groups such as those involved with the environment, the arts, culture, welfare and heritage. We have gained permission from the federal minister, Jackie Kelly, to use this program with all other volunteer groups, and the government intends to expand the program to make it available to other volunteer groups, not just those in recreation and sport.

Approximately 25 trained instructors are now running seminars across the state. I am advised that we have enough resources and trainers to provide as much training as the community requires over the next 12 months. So, if members know of groups within their area who want training in how to run a club, how to recruit volunteers and how to handle the media—all those things—an opportunity exists to promote this scheme to their clubs and associations and have a trainer come in to try to improve volunteering at the community level.

This backs up a number of programs that the government has announced over the last year. I had to smile when I read in the *Advertiser* of 12 May that the Labor Party has issued a policy on a volunteering compact, something that was announced by the government on 17 March. We have been consulting on our volunteer alliance compact for two months and we have sent out over 6 000 letters and discussion papers to volunteer groups. Now that we have done that and have run seminars all across the state, the Labor Party has decided that it will photocopy the policy and introduce a volunteer compact.

We welcome the initiative of the Labor Party to copy the government's policy and we welcome the fact that its policy is exactly the same as ours in that the minister will table an annual report to parliament. Just as the Labor Party has done with power, it has simply photocopied the volunteer alliance concept, so I look forward to the day it comes up with an original policy idea.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): I direct my question to the Premier. Given the government's claim that the privatisation of ETSA would result in savings to taxpayers of \$100 million, and given the fact that the government now faces power bills itself with increases of the same magnitude as other large consumers, that is, as much as 100 per cent, how much of the supposed savings from privatisation will now be lost as a result of the increased cost of power consumed by state government departments and instrumentalities? In response to an inquiry for information on how much the government's power bill is set to rise, the opposition has been informed that, while the Treasury knows the total cost of power consumed by the government, it has refused to release this information.

The Hon. J.W. OLSEN (Premier): My understanding is that one of the departments, and I presume it is DAIS, is looking at negotiating a position. It is a hypothetical question until such time as the negotiations are concluded and there is a bid on the table which, to my knowledge, there is not to date.

GRIEVANCE DEBATE

Mrs GERAGHTY (Torrens): I want to speak about an issue that was raised with me recently by one of our disabled members of the community. Ken is in a wheelchair and has been for many years. He received what he thought was a wonderful invitation from the Executive Director of the Passenger Transport Board to use the new footy express service that was recently announced. Surprisingly, but sadly,

Ken was unable to take up this very special offer because of several impediments put in the way of a disabled person going to Football Park. Regrettably, none of the publications indicated that this sector of our community—that is, the disabled sector of the community—would be excluded from this new and innovative service. So, assuming that a bus trip to Football Park was possible for a disabled person, Ken looked closely at the brochure provided and discovered that the closest location for him in the transport system was the Modbury interchange at Tea Tree Plaza. From Ken's previous experiences and knowledge, he is aware that wheelchair access is not available at the interchange.

The interchange is within easy distance from his home and, under normal circumstances, would be the ideal location for him to catch the bus and then get down to Football Park. If he were able to catch the bus, Ken would supposedly get a ticket from the bus driver and then relax all the way to Football Park if, and only if, there was a bus that would accommodate the disabled. From reading the two brochures he received, he learned that there are no details about people who suffer a disability. So Ken decided that he would ring the information line, and he was told that he would need to go to bus stop 46 to catch the bus. However, the person answering his query doubted whether a bus would be available to service someone with a disability, particularly someone in a wheelchair. So for Ken to enjoy the promised footy express and leave, as the brochure says, the snarls and difficulties of parking behind him, he would be required to go to bus stop 46—provided a bus was available—which is in the opposite direction to Football Park and his home.

Ken was 'wildly excited' to discover that, should he be able to overcome the difficulties of catching the bus and arrive at Football Park, another obstacle was in his way. The new bus terminal located at Football Park is almost on the opposite side to the prescribed entrance for wheelchair patrons. So, if he could get there and then alight from the bus, Ken would need to navigate a distance half the circumference of the oval to be admitted to the gate, located on Turner Drive, which is the only gate available for admission to those people who are category 1, 2 or 3 and who use a wheelchair. The brochure says:

Express yourself and get to the footy easier. Public transport is a key part of Football Park's exciting new look this season. A new bus terminal, adjacent to the stadium and a priority bus lane along West Lakes Boulevard provide South Australia's football fans with a real option to taking the car. The message is 'Try the buses'.

That is very difficult for disabled people. Not only that, when they constructed the lane for these buses to come into the boulevard, there were no cut outs in the side strips for disabled folk who got off a bus. So, once they got there, they could not get out into the footpath area, and those cut outs were done only when that problem was pointed out to the Department of Transport. That was another oversight.

As Ken has said to me, he had his leg amputated a couple of weeks ago but he is off to the footy this weekend. A neighbour has kindly offered to drive him there, because catching the bus for him is just far too difficult. Ken is most disappointed about it, because he likes his independence but regrettably cannot access the service.

The Hon. D.C. WOTTON (Heysen): Some little time ago I had the opportunity and the pleasure of being the Minister for Family and Community Services in South Australia. I have spoken on many occasions about the pleasure that portfolio brought me because of the people I

met, particularly those who served the community in so many different ways. One of those groups comprised a number of young people, who in those days called themselves Future Echoes, and all of whom had been in care. They had come out of care and had determined that they should try to do something for the betterment of those young people who were still in care. They set up an organisation called Future Echoes, and that organisation went from strength to strength, to the extent that its members went to national conferences, and it is now a national organisation.

Just recently, that group changed its name from Future Echoes to CREATE. I have to say that I get a lump in my throat every time I talk about this group because of the fantastic work it is doing, recognising the trials and the problems that many of them experienced during their early life and their time in care. I have just received a copy of a letter that CREATE sent to the Minister for Human Services (Hon. Dean Brown) bringing to the minister's notice a problem that it has.

I should go back and say that, while the group was known as Future Echoes and while I was still the minister, it was successful in having QBE Insurance Group provide it with accommodation in King William Street—fantastic accommodation, I think on the 10th floor, free of charge. Unfortunately, that arrangement has now come to an end because QBE intends selling its property. At this stage, I commend QBE and thank it, on behalf of the young people who have worked through this organisation, for the support it has provided in making available this free accommodation. But that arrangement is to conclude at the end of June. The QBE sponsorship of inkind rent and utilities in real terms has allowed the CREATE Foundation (South Australia) to redirect its very limited funds into direct services to children and young people in care.

This current unforeseen event has placed CREATE in a difficult position as there is no allocation for rent or utilities in the current budget as negotiated in collaboration with departmental staff. I know that CREATE works in close partnership with Department for Human Services officers to deliver a range of services and programs with and for children and young people in care in this state. This has seen the development of a leadership group of young people in care in South Australia who have enormous capacity to coordinate feedback from children and young people in care about their care experience and to inspire them to pursue new and greater opportunities while they are in care.

I have already spoken to the minister about this matter and I am bringing it to the attention of the House. I would hope that the minister will look favourably upon this group in regard to its needs for accommodation and for other funds to assist it with other utilities and staffing, because it needs money for staffing as well. It is a marvellous organisation, which is doing a marvellous job, and I am hopeful—and I am sure all members would join with me in being hopeful—that the minister will support their needs.

Ms BEDFORD (Florey): On Sunday 29 April there was a community gathering on common land: a family day out at Elder Park here in the city. The Taikurringga Yerta brought together a huge cross-section of people from throughout South Australia, continuing the momentum of reconciliation so clearly demonstrated on the journey of healing when Adelaidians held their walk for reconciliation from Adelaide Oval last year.

There were many interesting stalls at this family day, with information of all sorts for indigenous and non-indigenous people alike. There was a wonderful concert featuring dancing, and I remember particularly an absolutely enthralling display by Torres Strait Islander dancers, as well as singing with artists such as Jimmy Little, Fruit, Onslaught, Jason Scott and the Desert Sea Band, Sabor Latino, Andrea Rieniets (a local Adelaide singer), Brian Ruiz and Band, and Trochus.

Special guests came from interstate to support the day, including Christine Anu and Vika and Linda, who flew in from Melbourne especially to be with us. They were warmly received by a large crowd of mums, dads and children and their act was absolutely great. Everyone was very happy to be there and thoroughly enjoyed the entire day.

Being there reminded me of how far we have come in reconciling with the Aboriginal community and yet how far we still need to go. The past few months have sadly continued to see Aboriginal lives wasted, lost as they struggle to belong and be part of our community. We have seen a debate about the city becoming a dry zone rage throughout the media, leaving many people feeling we might be addressing the symptom rather than the cause.

Problems with conditions at an Aboriginal school in the far west, at Oak Valley, where students and teachers have been existing in third world conditions for some eight years with no water or toilet facilities in some sections of the school, have been spoken about many times in the House recently and within the media, yet those sorts of conditions would not be tolerated at a school in Adelaide where white children were predominant.

What can we do in this place to help lend our support in recognising that things are not right and should be better? I thought about this quite a lot as I watched the celebrations for the Centenary of Federation, where the Waringeri people in Victoria were acknowledged by all but one speaker during the ceremony. They took a significant part in what went on there that day. The Aboriginal flag also flew from the top of the Exhibition Building. Consider how important a sign of solidarity and recognition it would be for Aboriginal people to be acknowledged regularly here and be part of the opening ceremony of the parliamentary year or at the very least, perhaps having the Nunga flag fly here permanently. Why not fly that flag at other places of authority like courts and police stations as a first step and symbol of our embracing of Aboriginal people and their culture.

As 'Sorry Day' 2001 approaches at the end of this month, people in my electorate are looking forward to coming together to see the launch of a quilt project that began last year and which has involved almost every school and church in my electorate. It was initiated by a donation of money from Evelyn Scott, who visited us for Reconciliation Week the year before. This quilt will soon be travelling throughout the electorate to focus our thoughts on how we will be continuing the journey of healing together. I hope that in a wider community or big picture initiative, work might be done to adopt the recommendations of the Report into Black Deaths in Custody, which we have been talking about for many years but unfortunately have done very little to adopt, and also to work on an agreement with Aboriginal people containing constitutional reform that would recognise their prior ownership of the land and incorporating all the High Court decisions on native title, which unfortunately we are still grappling with here in this parliament. I know you, Mr Acting Speaker, will be involved in things to do with Reconciliation

Week this year and I hope that all members will bring back news to the House of what is happening in their electorates. I hope also that the quilt that comes from my electorate will be able to be displayed here, perhaps in the Old Chamber.

Mr SCALZI (Hartley): On 9 May 1901, the opening of the first parliament at the Royal Exhibition Hall was marked with wintry weather, although it did not stop the irrepressible spirit of the 12 000 who took part in that event. Without the advantage of electricity, the speeches could be barely heard, so it must have been quite a day to sit or stand there for three or four hours whilst the proceedings took place.

Last week, my wife and I were privileged to be part of the 7 000 who celebrated the first hundred years of one of the most successful democracies in the modern world. I was certainly moved by the occasion and, as a member of a state parliament which played a very important part in the formation of the Federation, I was proud to be present at the celebration, comprising members of the federal parliament and the various state governments and opposition parties, all of whom came together to celebrate our great democracy.

As many have said, Australian democracy and the Federation were formed without civil war or invasion, yet there were things that we could have done better. In 1901, the original inhabitants of Australia were not given the recognition they truly deserved, but I was pleased to see that last week they were. It was put in perspective. To have begun the ceremonies with our original indigenous Australians was something to see. It was certainly a privilege to have been at the ceremony, which commenced with Bruce Woodley's excellent song, *'We are, you are, we are Australians'*.

It saddened me today, therefore, to see this week's Messenger Press article by Terry Plane, headed *'Mediocre, wasteful Federation celebrations'*. I very much doubt if he attended the celebrations, but to write in that negative style is really not what we should be doing when celebrating our birthday as a nation. He wrote:

It's what we expect. We don't need to make a song and dance about it. We just expect them to get on with it. Most of the time good government is like a good footy umpire—it's working when we don't notice it. Unfortunately both are extremely rare.

These are the comments of someone who takes our democracy for granted. Obviously he does not understand how privileged we are to be living in this country.

The other thing that saddened me was that for two or three weeks prior to our going to Melbourne, members of the media were telephoning various members of parliament to find out who was going, how they were getting there, and so on. It is sad that, after 100 years, we did not all go as a delegation from South Australia—government, opposition, Democrats and Independents—and perhaps have a photograph taken of us all together as members of parliament proud to be their representing their constituents. In 50 years' time, people who looked at the photograph would have been able to say, *'These are the political groups who represented South Australia, regardless of party.'*

Is it not sad also that one of our former Prime Ministers did not attend? I have a lot of respect for one of his speeches concerning the unknown soldier. I believe it is one of the most moving speeches that an Australian Prime Minister has made, yet he was not with the other former Prime Ministers to celebrate our great centenary of Federation.

Time expired.

Mr HANNA (Mitchell): I report to the House in relation to a public meeting held in Seacombe Heights last Saturday, when representatives from over 100 families in the area attended a meeting to vent their concerns about a proposed housing development on one of the last remaining hillsides visible in the southern suburbs of Adelaide. I refer to the hill face between Darlington and Seacombe Heights, on the northern side of O'Halloran Hill where there is an area of about 25 hectares which has been declared as surplus to the needs of TransportSA. The Land Management Corporation is currently going through a consultation process, with the resolute aim of having the land developed for housing.

My view, which is based on the views of hundreds of local residents, is that the land should be retained as open space—as much of it as possible should be retained as open space. The Land Management Corporation, while it seems to have made some effort with the consultation process, cannot go outside its brief: that is to say, it cannot entertain any question of housing development going ahead or not going ahead. Its sole aim is to hear the residents' concerns about where the roads should go, how big the housing blocks should be, etc.

The government should take heed of the passion of local residents. There is a very widespread feeling that the area should be retained as open space. Unfortunately although the Premier and the Minister for Transport were invited to that meeting, they did not attend. I did at least receive apologies from the Minister for Transport's office. I am glad to say that the Leader of the Opposition, Mike Rann, did attend and he spoke powerfully and brilliantly to that group of residents, expressing Labor's point of view. The mayor of Marion, Felicity-Ann Lewis, also spoke and was able to shed some light on the council's approach to the whole issue.

There were three resolutions passed unanimously by the crowd at the meeting on Saturday, 11 May. The first resolution was that the TransportSA land at Darlington should be retained as open space. The second resolution of the meeting was that any decision to dispose of the land for development should be deferred until after the next state election. Thirdly, the crowd resolved that the Marion Council is requested to give unqualified support to the residents by passing a resolution explicitly in favour of the TransportSA land at Darlington being retained as open space. This resolution should be conveyed to the relevant minister and other appropriate agencies.

In those resolutions there is a very clear statement of the will of the people in that area. They are well aware that, on paper at least, the seat is the most marginal seat in South Australia. I really do believe that under the circumstances the government will take notice of the wishes of the residents. I believe the resolution concerning deferral of any decision about the development is based on the fact that people see that there is a good chance that Labor will retain at least a large part of that area as open space. Certainly the residents are looking to the opposition for assurances. We have gone as far as we can in that regard at this stage and we now need the government to agree to defer its decision about the development. Given that the Land Management Corporation will be putting a development concept plan to the minister in three or four months' time, the Liberal government could, at that stage, well be seen as a caretaker government and it should not be making such a major decision prior to the election.

Time expired.

Mr VENNING (Schubert): For some time I have been an advocate of the Warren Reservoir in the Barossa Valley near Williamstown being used as a recreational lake, now that the filtration system is in place to deliver clean filtered water, which comes from the River Murray, to the Barossa and regional communities. The Warren is no longer fully utilised for domestic water, although I understand that water from this reservoir is used as a supplementary supply for the South Para Reservoir.

The water in the Warren has a natural stain, which comes from the eucalyptus trees that surround the reservoir. The trees are very close to the water's edge, and tannin from the gum leaves stains the water and is almost impossible to remove. The water in the Warren also has a fair degree of turbidity, which comes from water pumped directly from the Murray. The Warren is playing a vital role in the Barossa Infrastructure Limited (BIL) project, which I have spoken about several times before in this House and which is another very important issue in the Barossa.

Water is pumped from the Adelaide to Mannum pipeline to the Warren Reservoir and goes from the Warren Reservoir through the BIL to the vineyards, through a very detailed pipe network. I believe that the Warren could well provide an ideal location for limited recreational purposes. I have had preliminary discussions with the officers at the Barossa Council. However, I need to pursue this issue further to gauge the level of support from all councillors.

I am not proposing the use of motor boats or any type of motorised water craft at this time. I am talking about activities which allow for the appreciation of the natural environment and the beauty of this area, and which complement the whole environment. And it is indeed a lovely environment. Activities such as bush walking, picnicking, sailing and fishing are the things that I had in mind.

People might say that fishing is not environmentally friendly, but every carp that is pulled out of the system—and there are plenty of them in there—has to be of benefit to the environment. I do not know whether it is feasible to introduce other native species but, no doubt, we will look at that. I am fully aware that these are issues that will impact on the environment, and obviously need to be considered. Issues such as site planning, topographical constraints, conservation and heritage issues obviously need to be assessed. Habitat protection (that is flora and fauna) also needs to be considered.

Controls will need to be put in place to limit the environmental impact. Picnic and barbecue areas and car parks are all issues that need controls. The facilities for waste management will also need attention. I fully understand that where water could be used for human consumption we need to be very careful, but I believe that there is a sound case to commence work on at least a feasibility study into this matter.

I have made public comments on this issue and have received several letters from interested parties supporting the proposal. I believe that it would benefit the local community by increasing tourism in the area, particularly amongst people interested in ecotourism, which is a hugely untapped resource in this state. The ERD Committee, which I chair, is finding this out. We have an ecotourism resource out there waiting to be fully discovered by tourists and, when it takes off, it will be very successful.

The ERD Committee recently undertook a study tour of the northern and western regions of this state, looking at the subject of ecotourism, and is currently working on a report on that reference. As I said, ecotourism will be big in South

Australia, and utilising the Warren Reservoir for limited recreational pursuits could well play a significant role in this initiative. There is no other experience like this anywhere near the Barossa: the Murray is the nearest large stretch of water and that is over an hour's drive away.

This is quite different, with high mountains, backwaters, arched bridges and heavily wooded areas. I look forward to joining the locals for a sail on the Warren, followed by a world-famous red or white, to be topped off with fine Barossa food.

STATUTES AMENDMENT (GAMBLING REGULATION No. 1) BILL

In committee.

(Continued from 3 May. Page 1475.)

New clause 6A.

The CHAIRMAN: I advise the committee that we are dealing with the remainder of the Statutes Amendment (Gambling Regulation) Bill, which is No 96 on the bill sheet, other than clause 18 which, as the committee would realise, was the subject of the bill already dealt with after the original bill was divided. I draw the attention of members of the committee to sheet No 96(3), which details the amendments that are before the committee, and remind members that we are dealing with new clause 6A.

Mr FOLEY: As we know, this bill was dealt with a week or so ago when the parliament took the decision to deal with one clause there and then. It is a pity that we did not have a chance to call a division: I was out of the chamber at the time and I, for one, would not have supported the cap. However, we have moved on.

For the benefit of the member for Hammond, the opposition and, indeed, the government have only recently received an updated package of amendments from the honourable member, and we have not had sufficient time to consider the merits of each of those new amendments. I indicate here that a decision has been taken by me and the Deputy Leader of the Labor Party that, given the short notice, we will oppose the new amendments from the member for Hammond as they stand tonight and will give his amendments due consideration as this bill travels between here and another place.

As the member for Hammond will appreciate, we require our caucus to ratify any decision on any matter, and we do not have the ability to make individual decisions on the run, unless they are conscience matters. On my initial reading of these amendments, they do not appear to be conscience matters. If there is a conscience issue amongst these amendments, I am sure that my colleagues will bring it to my attention and we will make a further decision as to how we proceed.

Our preference tonight will simply be to oppose these new amendments, consider them in our full caucus next week and then be able to have a revised position, should that be the case, in another place. Unfortunately, I personally have some commitments over the next hour. I have asked my colleague the member for Mitchell to take carriage of this bill. The member for Mitchell, no doubt, will do a fine job in handling this bill for me for the next hour or so, before I am able to return. Clearly, my colleagues would like to ask questions on a variety of matters, and I am sure that our questions will be taken in the spirit in which they are intended, that is, to probe, to have the government explain and to detail and justify its

position. With those brief remarks, I do not think the question really needs an answer.

Mr LEWIS: For the benefit of the committee and the member for Hart, whose frankness I appreciate (and I thank him for that), I simply point out to the committee that new clause 6A, where we are proposing to insert a new section 42A, is almost identical to section 27 in the Racing (Proprietary Business Licensing) Act. It is already there. It is a part of an existing act of parliament to which the Labor Party has agreed and which the government has supported. This is nothing new: it has been around since before we adjourned last week. I introduced this proposition the week before last when we were last debating this matter in committee.

To my mind, then, the prohibition of interactive betting operations to be included in this bill is not something that is new. Whilst it may not have occurred to the member for Hart to check the Racing (Proprietary Business Licensing) Act, that is not my fault. That is his mistake, oversight, whatever it is. If it were the member for Hart dealing with me he would, I am sure, ridicule me for having made such an anomalous oversight where there has been support in another piece of legislation for these provisions, yet he is saying that he intends to oppose this and requires all the members of the Labor Party in the chamber to oppose it on the grounds that he has not yet put it to caucus.

I say to him again, clearly, that it has gone to caucus. It did so when caucus considered the Racing (Proprietary Business Licensing) Act. I urge the honourable member to reconsider that, knowing that that anomalous situation in his party's stand on the matter exists.

Mr HANNA: I indicate, on behalf of the opposition, that a number of amendments are new in the sense that we have only just seen them as amendments to this bill and, on that basis, this is one of those amendments which the opposition will need to take away and scrutinise before it is dealt with in another place.

The Hon. J.W. OLSEN: In relation to this provision, a select committee of the parliament is looking at interactive gambling. That committee is currently considering this particular issue and, as such, the Liberal Party takes the view that it would be appropriate that the decisions made by the select committee on interactive gambling relating to regulation and prohibition of interactive gambling should be considered once it issues its final report. On the basis that a select committee of the parliament is giving consideration to it, the committee will make a series of recommendations or a report.

We take the view that that report ought to be final. It will be presented, and we can then make a valued judgment upon consideration of that report. A preliminary report has been released, as I understand, for public comment, and a final report is expected to be tabled in the near future. Whilst speaking to this clause, I also want to reiterate some of the comments made by the member for Hart. With respect to the provisions that have been placed before us at the moment, the government's perspective is that we, in good faith, negotiated a position with a range of different parties—church organisations, charitable and welfare groups, hotels and other industry sectors—that was reasonably acceptable to all the parties.

We think that, in the first instance, we ought to follow the negotiated outcome concerning those parties. There are some measures here that I note the Hon. Mr Xenophon moved previously in the upper house, and it is sought to pick up some of the aspects through the amendments that the member for Hammond has placed on file today. We will look further

at some of those aspects between here and the passage of the bill in another place. However, in the first instance, the government takes the view that its negotiated position with the parties (who, over several months, have come to this compromise view) is a step in the right direction.

It might not be as much as some individuals or I might want, but to have a negotiated position that is a step in the right direction I would want to consolidate in the first instance. It is for that reason that the government takes the view that the package before the committee ought to proceed to the upper house. I note that the opposition wishes to reflect upon some aspects of the amendments, whether they are further amendments or whether they involve previous policy issues that have been discussed with other bills, and that is another matter to which the opposition should give consideration.

Mr FOLEY: I make an apology to the committee. When I say 'apology', we did determine that a number of new amendments had been placed before the committee and that we would therefore need time to consider those amendments. However (and this would be of interest to the Premier), the issue of the prohibition of interactive betting operations has, in fact, been ruled a conscience issue by the Leader of the Opposition for members of the Labor Party. So, Labor Party members are able to vote on that clause according to our individual conscience. I apologise because, in my original comments, I said that we would oppose all items that were new today as put forward by the member for Hammond.

We have resolved a position with respect to all those amendments that were tabled a week ago: we will be opposing many but supporting at least one. However, on this issue of the prohibition of interactive betting operations, the Leader of the Opposition, on a number of occasions now when this issue has arisen, has ruled that that is an issue of conscience for the Labor Party members. Individual Labor Party members are free to speak and to vote now, tonight, according to their conscience. I apologise if I have confused anyone.

Mr HANNA: I feel constrained to explain my previous remarks. There had been some confusion about which of the member for Hammond's amendments had been presented today and which had been presented a short time ago. Before I spoke a few minutes ago, I had been persuaded by the member for Bragg that this was in fact one of the amendments that had only just been presented by the member for Hammond and, on that basis, I had foreshadowed that this was one of the amendments that would need to be considered. In the meantime, however, as the issue is before us, and as the member for Hart said, it is a conscience issue for members of the party according to a caucus ruling.

Mr LEWIS: I am pleased to have the member for Hart's remarks in this most recent contribution on the proposition before the chamber, and I point out to him that, unlike what I might expect from him if the boot was on the other foot and the roles therefore reversed, he would lambast me and tip scorn on everything I had to say or every opinion I had expressed. I will not do that. I am capable of a bit more charity than that. Notwithstanding that point and the assistance that he has provided to the member for Mitchell in commencing his contribution to the debate of the clause, I thank him.

As for the Premier, the same would apply. Let me put that another way, and I am pleased that the member for Bragg is here. He was the government member, indeed the only member, on that committee and I know the member for

Bragg's negotiating style from other instances, of which the member for Bragg might not like me to remind him, although I am compelled to draw his attention to the example of the Belarusian Church and the way in which he dealt with the people who were the elders of that church, and some of the remarks he made about me gratuitously to the press when asked what he thought of me.

Mr Clarke: I don't think he was saying it gratuitously.

Mr LEWIS: It was. I did not invite him to say it and gratuitous means 'without invitation'.

The CHAIRMAN: I remind the member for Hammond that we are in committee. This is not a second reading speech.

Mr LEWIS: No, it is about this clause and why the position taken by the government has been taken in that manner. I do not believe that it was negotiated in good faith. Indeed, I believe that both the hotels association and other people who want to lobby for their continued profits would have had the favoured ear of the member for Bragg, who would have been quite capable of bullying the people from the churches and welfare agencies who were putting the case by saying, 'Well, you are not going to get all that you ask for, what are you going to compromise on? Don't be stupid.' He would get stuck into them and use a few other expletives, which I will not bother to refer to, of the kind that I have known him to use in other instances.

I would not want him to try to put me out in the fashion that he said he would never deign to when he was referring to me on the occasion of a previous debate when I was still a member of the Liberal Party and trying to warn that party of the dangerous direction in which it was going over a particular public works project. There are ways of extinguishing fires, and that is not one way that would be acceptable to me. In any case, given that that is my understanding of the background of the manner in which this sort of compromise was reached, I do not think that the parliament would be acting in good faith to accept that proposition.

Indeed, the public opinion of the matter is that section 27 in the Racing (Proprietary Business Licensing) Act ought to be included in this legislation. Whether or not the select committee is finding that to be so again depends on who is driving the process in the select committee and what kind of social mores they have and what respect they give to the kind of values that are advanced by people who are caring about the consequences of those people who suffer from gambling addiction and the consequences for those people who depend on the sufferers of gambling addiction. I urge the committee to think of the public interest, and to hell with the deals that have been done and the mechanism used to negotiate those deals, which I do not believe have been done in good faith.

The Hon. G.A. INGERSON: I need to rise just to correct a couple of comments from the member for Hammond so that he gets his facts right, because I would hate him to get them wrong. There were two members of parliament on that committee: Angus Redford and myself were both on that committee. I might also point out to the member for Hammond, who I know has a deaf ear and probably will not listen in any case—

Mr Lewis: Sorry?

The Hon. G.A. INGERSON: That is what I mean. What happened was that we were greeted in the committee with a position that had been agreed to by both parties before we had even met. There was no need for anyone to sit down and talk about what could happen, what might happen or how it should happen because it was an agreed position before we got there. The member for Hammond needs to know that and,

if he does not accept that, I suggest that he talk to all the parties, quite independently of me, to find out for himself that that was the position.

The other correction that I would like to make is that this measure amends the Racing (Proprietary Business Licensing) Act. It was introduced with the support of the opposition because the shadow minister for racing believed it was in the best interests of racing in South Australia that there be this ban on interactive betting for South Australians in relation to TeleTrak. In the end, it was supported by the government. Every now and again we need to correct the facts so that a whole lot of misinformation is not spread out in the community. In terms of interpretation, we all know that we can make our own decisions.

I believe that, since this clause was included for a specific reason, and that is in relation to interactive gambling in the TeleTrak issue only, not in the broad sense in relation to the TAB, it should be treated in that manner. I oppose the amendment and I hope that the government will do the same.

Mr MEIER: I made quite clear in my second reading contribution that I did not believe that this bill went far enough, but I acknowledged that it was a significant step forward. I also acknowledged that it was a package agreed upon between the industry and the heads of churches. Members who have been here for a long time would remember that I was totally opposed to the introduction of poker machines, and I identified a few members who I felt were total hypocrites at that time, but that is in the past. I lost then and poker machines are with us.

Whilst I might have some sympathy with what the member for Hammond is seeking to do, I am sufficiently aware that to get together the package that we have before us took a lot of time and effort and, if we seek to introduce these other items, the chances of it falling apart are very high and nothing will get through. The cap on the number of poker machines went through this House the other day, so that is a step forward, but it is also important that many of the other proposals that are part of the package succeed so that the curbs can begin to be applied.

If we endeavour to bring in a lot of other factors, I can see that six months down the track nothing else will have occurred and we will have made no advances. We have already seen it happen between the upper house and this chamber, when the Hon. Nick Xenophon introduced a package and nothing occurred here. We have seen the Premier bring in a measure and we have seen discussions between the two houses and the discussions across the chamber. Let us get through parliament something that has the agreement of the two opposite sides, namely, the industry and the church groups. If these other matters can be considered further on, well and good, but now is not the time to seek to steamroll them through.

Mr HANNA: The difficulty that a number of members have is with the reach of the clause. It seems to give rise to some inconsistencies. If you stop major betting operations licence holders from conducting interactive betting operations from persons within South Australia, it allows two other possibilities. First, those licence holders can conduct interactive betting operations with people who are not in South Australia. Presumably that means that anybody phoning up and giving credit card details has to then satisfy the licence holder of where they are phoning from, and some impracticalities might arise from that. Secondly, other entities in South Australia such as the casino or hotels that do not have a pub TAB can conduct interactive betting operations

for people who are within South Australia. It seems to me that a kind of arbitrary cut-off point is put into effect by the member's amendment. Many opposition members will be disturbed by that inconsistency, and I wonder what the member for Hammond has to say about that. Perhaps what is required, as intimated by the Premier earlier, is a holistic approach which might arise from the select committee's investigation of interactive betting operations generally.

Mr LEWIS: It is quite simple to determine the location from which the person is phoning. All mobile phones have a home cell in a home state or a home STD area code, and that is known. These days phones are made such that if you want to, you buy a handset which tells you the number of the party that is calling you and, if the party does not want to be identified to such handsets receiving their call, they can explicitly exclude that possibility from arising. That does not alter the fact that it is still possible for interactive gambling operation servers on the internet to put a bar on all the STD area codes and phone numbers based in South Australia. The requirement on them through this provision to do so would satisfy that need. I am sure the member for Mitchell knows what I am saying is true—that the number of the caller who is calling him, if he has a modern handset, appears on the screen, or if he wants to he can simply hit the *10# call buttons and call that person back again and that will appear immediately on his bill if he has missed the call. The technology is there to identify the exact location of the telephone. Internet servers can screen off those calls.

Secondly, the honourable member raised the apparent anomaly that he thought might exist where at present people can ring up the TAB and lay bets on races without sending any money with that phone call. Indeed, whilst on the surface of it that appears valid, it is not, because the telephone betting facility has already been established between the party wishing to place the bets and the TAB. That telephone betting facility requires the person wanting to place the bets to have put the TAB in credit for such amount as the person wishing to place the bets wants to be able to use on the occasion that they call in to place the bet. Unless there is a credit balance in the telephone betting account, the person wishing to place the bets is simply refused their request. They cannot place the bet; they cannot do so on credit. There has to be an amount of money already deposited with the TAB by that person ahead of time, and the account has to be established way ahead of time.

What the member for Mitchell mistakes, then, is that this provision seeks to prevent the use of credit cards per se, where you are running up debts, placing bets in interactive betting operations through a betting facility, and to define those two terms in this legislation in the same way as they are defined in section 27 of the Racing Business Licensing Act. That is all. Both his concerns are answered then in the manner in which I have explained. I thank the honourable member for his inquiry; it is important to clarify these matters. I also thank the member for Bragg for his acknowledgment, given by way of polite interjection, of the validity of what I have tried to explain. Albeit that I may not have explained it as well as he could, having been the minister, what I have tried to put before the House is, as I understand it to be, the truth.

The Hon. G.A. INGERSON: The existing function of the TAB is such that there is a requirement to deposit funds, regardless of whether it has been done by telephone or interactive betting. As I read this clause, it provides that, even though you have deposited those funds, you will no longer

be able to bet by interactive betting. That is the reason why I oppose the clause; I do so for no other reason. It is now a requirement in all telephone betting to deposit funds.

An honourable member interjecting:

The Hon. G.A. INGERSON: Of course it is.

An honourable member interjecting:

The Hon. G.A. INGERSON: No you can't. You cannot bet on credit with the TAB. It is impossible to bet on credit with the TAB. The member for Peake is incorrect. I was the minister, and I was involved in the audit process. I am also a telephone holder, and I know that, when I run out of money and I telephone to try to place a bet, I cannot get it on because I have no available funds. However, the minute I have funds, I can place the bet. I am concerned that this is going against existing practice. It does not in any way affect the running of the TAB, and it is not credit betting.

Mr CLARKE: Like the member for Bragg, I am concerned about the impact of this amendment on the TAB. I declare my interest as a member of the Australian Services Union, which has a significant number of employees working for the TAB in the telephone betting area. This amendment would retrospectively prevent the TAB from carrying on a practice which has been conducted for a long time. I am not aware of any major social problems arising from it. From my past involvement with the TAB as Secretary of the then Federated Clerks Union, now the Australian Services Union, I know that in order to use telephone betting facilities—and now internet betting facilities—you must have funds in your account before a bet can be accepted. Therefore, I oppose the amendment.

The committee divided on the new clause:

AYES (5)

De Laine, M.R.	Koutsantonis, T.
Lewis, I.P. (teller)	Snelling, J. J.
Such, R. B.	

NOES (40)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W. (teller)	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Scalzi, G.
Stevens, L.	Thompson, M. G.
Venning, I. H.	White, P. L.
Williams, M. R.	Wright, M. J.

Majority of 35 for the noes.

New clause thus negated.

Mr CLARKE: I rise on a point of order, Mr Chairman. Your microphone for some reason is playing up and we are hearing you twice here at the back. The excitement is more than I can stand.

The CHAIRMAN: Order! It has been put to me that the reason that is happening, probably, is that members are

making so much noise and I have to shout very loudly. I will try to speak more quietly.

New clause 6B.

Mr LEWIS: I move:

After clause 6—Insert:

Insertion of s.47A

6B. The following section is inserted after section 47 of the principal act:

Smoking prohibited at office or branch of major betting operations licensee

47A. (1) It is a condition of the major betting operations licence that the licensee must ensure that smoking of tobacco products does not occur in an office or branch of the licensee at which betting is conducted.

(2) A person must not smoke in an office or branch of the holder of the major betting operations licence at which betting is conducted. Maximum penalty: \$2 000.

Expiation fee: \$300.

(3) In this section—

'smoking' means smoking, holding or otherwise having control over an ignited tobacco product;

'tobacco product' has the same meaning as in the Tobacco Products Regulation Act 1997.

Quite simply, as part of occupational health and safety, this is to protect those people who have to work in an office or branch of a major betting operations licensee. If members want to know why this is a good idea, let me remind them of the \$664 000 payout—

Ms Stevens interjecting:

Mr LEWIS: The payout of \$464 000—I am reminded by the member for Elizabeth—in New South Wales in recent times. That is clearly the direction in which the courts are going in this country—and well and good, too. As a reformed smoker I am not proud of the fact that I smoked and I do not parade the fact that—

Mr Clarke: But did you inhale?

Mr LEWIS: Smoke, yes; I still inhale but, wherever possible, with no smoke. I try to avoid that because I now well understand how stupid it was to indulge myself in that way.

The Hon. R.B. Such: No-one is perfect.

Mr LEWIS: Maybe no-one is perfect. The other point we all need to remember is that we only live once and life can be very miserable when you have cancer. That is almost certainly one of the highly probable consequences, as is cardiovascular disease of a variety of kinds, if you are exposed to smoking. You might light the cigarette and put it in your own mouth or, as would be the case in this instance, if you were working in a gambling office or branch and someone else was allowed to smoke while in there, you have no choice but to breathe what they exhale and what escapes from their pipe, cigar or cigarette and floats through the atmosphere.

It really does not matter a damn if you have all the exhaust fans in the world. Because of the differing levels of predisposition to illness, to be sure and safe you would have to put everyone in a space suit. Those who want to smoke could smoke inside their suit. The alternative is to put the workers in a suit which has an air filter to stop tobacco smoke from getting in there. Some people are so sensitive to the effects of tobacco smoke—we know this to be a fact—that there will be adverse consequences for them. It is not fair to require them either to give up their job or not seek employment in a place where they might be exposed to smoke.

Mr Clarke: Hear, hear!

Mr LEWIS: And I thank the member for Ross Smith for understanding that point. All that argument is separate and apart from the other part of it, which is that if you do smoke

the sooner you give it up the better off you will be. We should send a signal from this place to say that it is not appropriate to smoke in the boss's time because you are risking causing ill-health to yourself that will cause you to use up your sick leave in greater quantities than you would have if you did not smoke and it may cause you to have earlier retirement through death or chronic or acute illness than you otherwise would have planned. Retirement in the case of death is a bit academic: if you are not here you cannot work, simple as that.

It is my belief that we should send a signal from this place that discourages people from smoking—at least while they are at work. The corollary of it is that if we allow smoking while people are at work, then the employer in some measure is accepting responsibility for what the worker is doing, namely, smoking. That is tantamount to allowing someone working in a nursing home, or whatever, to try to lift another person who is too heavy for them. While they want to have a go at it to do their job, they should not be required to because they can easily seriously injure their back. They might have wanted to have a go and they may have been willing to try, but the fact that they injured themselves in so doing does not absolve the employer of responsibility because he did not tell them they must not do it and stop them from doing it. The same thing applies to smoking, in my judgment. I commend the amendment to the House and trust that it has swift passage.

The Hon. J.W. OLSEN: The Minister for Human Services has publicly indicated that the issue of smoking in gaming venues is an issue that will be considered by the government's anti-tobacco task force. It is the government's preference that smoking related issues should be dealt with as a health issue and not as an attachment to a gambling debate. A number of matters need to be considered carefully in this context. I say that in the knowledge that the government and the former and current health ministers have overseen the introduction of restrictions on smoking in restaurants. Therefore, on this issue there is some credible stand on behalf of the government in terms of acting on these issues, but we believe they are health related issues. A number of matters have to be worked through and the task force will do so. It is not an issue that will be put to one side forever. That is not the purpose for which—

An honourable member interjecting:

The Hon. J.W. OLSEN: No, well it is not. I say that genuinely because we have acted in this area and our credentials are there because we have acted. We did not squib it in relation to the restaurant trade. We took it on.

Ms Stevens interjecting:

The Hon. J.W. OLSEN: I acknowledge that, too, but our credentials on it are that we took a step and acted, despite some opposition. We are saying that this is a health issue, that the task force ought to do it, and that it ought to work its way through the issues and consider how the matter ought to be addressed with recommendations for the government.

Ms STEVENS: When I first saw the amendment I had assumed that the member for Hammond was moving this amendment as an anti-gambling amendment along the lines of forcing people who smoke and needed to do so to go out of the venue and therefore break their fix on gambling. I hear him speak of it in relation to its being a health issue, which is certainly how I and the Labor Party see it. We believe that this should be dealt with comprehensively as a health issue. If we are looking at the health of workers in the few remaining situations where workers have to be exposed to tobacco

smoke, we need to consider all such situations and not just the ones where gambling is occurring. While I have some sympathy with some of what the member for Hammond is saying, Labor's position is that this needs to be dealt with comprehensively as a health issue across the board. I will make a few further comments in relation to that.

It is clear that the recent events in New South Wales, where for the first time a week or so ago a jury awarded significant damages to a worker who had contracted lung cancer as a result of passive smoking that she had to put up with as part of her work in a bar, will have major ramifications throughout the country if not the world in relation to passive smoking and smoking in enclosed spaces. People would know that there will be a number of other cases where people have put up claims in relation to illnesses and conditions contracted as a result of passive smoking, but to date, except for this issue a week or so ago, all of those other cases have been settled out of court. The difference with this matter is that it was tested in a court and the court came down in favour of the person who had contracted the disease. I presume that there will be an appeal.

There is a lot riding on this. I am sure the tobacco companies will be backing an appeal with every ounce of their considerable political and physical muscle but, even if the decision is not upheld and an appeal has it quashed, there will be other cases. This is the beginning of the end in terms of smoking in enclosed spaces where people have to work and have to endure passive smoking. Essentially the danger of passive smoking is undeniable. The health effects are significant and life threatening, and this is well documented. In fact, the hospitality industry must be one of the last remaining workplaces where, every minute that they are working, workers are exposed to significant health risks leading to early death. There is a fundamental right of all workers to work in a safe environment, and I would expect that every member of this House would agree with that statement.

One of the most outrageous and disgraceful things said a few days ago in the media in relation to this matter was the comment made by John Lewis, the Executive Officer of the Australian Hotels Association, who said on television on the night of the decision in New South Wales that passive smoking was part of the job. I think that is a most disgraceful statement. John Lewis owes an apology to every employee in every workplace which his establishment purports to represent. I certainly hope that other members of the AHA have made known to Mr Lewis that those sorts of statements and that attitude went out a century or so ago and that he had better get his act together pretty fast.

In line with the comments made by John Lewis, other commentators made comments such as 'People have a choice whether to work in a workplace where tobacco smoking occurs: they can choose not to' and 'People do not have to work in the hospitality industry, they can choose to work somewhere else.' I make the point that it is difficult to make such a choice when you need a job to pay your bills. In South Australia it could be argued that the hospitality industry is one of the few growth industries. So, it is clear that the hospitality industry and other industries where smoking still occurs will have to come to terms with this issue.

In my view, the amendment before us is deficient. It relates only to gambling areas. What about pubs where there is no gaming but smoking can take place in certain sections? What about nightclubs? Are workers in those venues less important than those who work in gaming venues? I do not

think so. This issue needs to be addressed. As I have said, I believe that the whole thing is inevitable. It is coming, and the sooner the industry gets together with all stakeholders and works on it, the better. I congratulate Mark Butler, the South Australian Branch Secretary of the Australian Liquor, Hospitality and Miscellaneous Workers Union. On 3 May, he reacted immediately following the decision in New South Wales by writing to the Premier. The letter states:

Dear Premier,

You are obviously aware of the public and parliamentary debate spawned recently by the New South Wales RSL decision and the amendments proposed by Peter Lewis to the government's gambling amendment bill. The LHMU represents many thousands of hospitality workers in South Australia. My union's position in this debate has been clear: first, we recognise passive smoking as a grave health and safety risk to hospitality workers which simply must be addressed; secondly, we recognise the industry is a major employer of many thousands of South Australians and an important part of the South Australian economy; and, thirdly, we take the view that any changes (whether legislative or voluntary) must be well debated, well examined and have import from all stakeholders in the industry and other relevant community groups.

You may have noticed in the media that I called yesterday for urgent round table discussions incorporating all of those groups. I am of the view that, given the importance of this industry to the state, those round table discussions should be convened by yourself or a nominee.

I therefore ask you formally to convene a meeting of all relevant groups to begin discussing ways of ensuring the occupational health and safety of hospitality workers and maintaining the ongoing dynamism and viability of the state's hospitality industry. Those groups should, in my view, include the union, the AHA, the Clubs Association, the opposition, WorkCover and representatives from the AMA and QUIT. I look forward to your urgent response to this request.

As a member of this union, I was pleased to see the speed with which it came out very strongly to say, 'Let's deal with this and get on with the job.' The Premier said recently that the government had acted in the past in relation to restricting smoking in certain areas of restaurants and hotels. I would like to ask him what he has done in relation to this call by Mark Butler, because I hope that he has responded. I was not able to speak to Mark today to confirm whether or not that has occurred, but I hope that the Premier has acted to pull those people together and start to work through these issues so that the industry can take its own steps before any are forced upon it.

Finally, since the decision in New South Wales, it has been interesting to have a look at some of the media around the country as people have begun to think about what has occurred in New South Wales and the ramifications and consequences for the future. Frank Blevins sent me some interesting little snippets that he had seen in the *Sydney Morning Herald* and I would like to put some of them on the record. A recent article headed 'Out of Puff'—it looks like an editorial comment—reads in part:

This week's landmark jury verdict awarding \$450 000 damages for lung cancer after years of inhaling second-hand smoke has changed the dynamics of a complicated public debate in which issues of public health, workplace safety and the lobbying power of the tobacco industry are intertwined.

The article concludes:

... hotels and clubs will have to settle with their insurance companies the risk of further actions like Mrs Sharp's. In the course of such discussions, it is possible that some arrangements short of bans could be devised. If Mrs Sharp's verdict stands, drastic changes will be inevitable, even without parliament's intervention. If her verdict is disturbed, that will not end the matter. The days of smoking in hotels and clubs in the way that now occurs are numbered.

It was reported in another article:

More than 1 400 clubs across New South Wales have been told to ban smoking around bars, dining areas and auditoriums or face the risk of legal action following this landmark damages award against Port Kembla RSL.

In a further article headed, 'Pubs' Smoke Ban Fears Unfounded', it was interesting to note the comments because, of course—

The CHAIRMAN: Order! The member in the gallery will leave the gallery if he wishes to use his mobile phone.

Ms STEVENS: I would like to put this on the record for people to think about because this is an issue that is often raised, and I think it needs to be addressed:

Hotels and licensed club objections to total smoking bans on the grounds of financial hardship are inconsistent with studies that they and the tobacco industry commissioned.

Debate on whether the state's ban on smoking in indoor restaurants should be extended to enclose public areas of hotels and clubs was given impetus this week when a Port Kembla barmaid, Mrs Marlene Sharp, was awarded \$450 000 damages for throat cancer that she contracted from the smoking of others. . .

The cigarette manufacturer Philip Morris Ltd commissioned polling in January last year asking people whether a smoke-free hotel bar would make them less or more likely to attend. About 45 per cent said that a ban would make no difference and another 40 per cent said that they would be more likely to attend such a bar...

A survey conducted for the Australian Hotels Association in Victoria in March and April last year questioned hotel patrons about their dislikes. The most common answer—a quarter of those asked—was too much smoke, compared with the second-placed presence of poker machines (16 per cent).

And polling last year for Clubs NSW, another critic of smoking ban advocates, suggested that for every patron lost by a ban a new patron would be attracted.

Professor Simon Chapman, Sydney University Professor of Public Health and Chairman of Action on Smoking and Health (ASH), said yesterday the Australian research was consistent with overseas studies.

'There are 33 published international studies, mostly in the US and Canada, on the effects of banning smoking in hospitality venues, showing either no effect or a marginal increase in patronage,' he said.

He goes on to say:

The pubs are not going to lose money but the cigarette manufacturers will and they know it.

In closing, the opposition will not be supporting this amendment but we look forward to discussions being held and the request by Mark Butler to the Premier being taken up. We hope to see some changes made by the industry to come to terms with what has happened before they are foisted on it by insurance companies and the rest.

The Hon. R.B. SUCH: I can see no logical or feasible reason to oppose this amendment. We all know of the recent court case, but irrespective of that case this parliament supported the prohibition of smoking in dining rooms and restaurants, and that is to the lasting credit of the member for Adelaide when he was Minister for Health. He deserves ongoing praise for that measure, and I commend the government for supporting that in the parliament at that time.

There is no justification for delaying any further the implementation of a 'no smoking' policy in respect of gambling areas. The arguments trotted out are the conventional ones that are always used: they were used against getting rid of slavery, opposing women getting the vote, equal pay, seat belts in cars, bike helmets, and so on. The arguments such as not yet, the time is not quite right, let's wait and we can't afford it are the classic arguments trotted out by people who do not want to see change.

Well, change will come and it is a pity that this parliament cannot be part of an innovative reformist move to bring about something that is long overdue. It makes a mockery of the conscience vote when people in this place cannot vote according to their conscience on matters such as this. The whole thing becomes quite farcical. We know that this amendment is unlikely to succeed. I guess history will judge this parliament as having missed an opportunity to be innovative to protect the health of not only workers but patrons as well.

My concern was reinforced on the weekend when I spoke to some of the young people working in these areas; having to work in a smoke-filled environment is already having an effect on them. We should be sending a very clear signal that it is unacceptable to have smoking in these places. It is unfortunate that it looks like the government and the opposition will take the easy way out and appear to be friendly to the gaming industry when they really should be more concerned about the health and welfare of the citizens of this state.

Mr HANNA: Once again the member for Hammond has been whipping a horse to make one of its legs go while the other three legs are standing still. He will not get very far like that. His amendment is a move in the right direction but, because it does not take a holistic approach, it will create anomalies if it is passed.

If this is designed as an anti-gambling measure, there needs to be an approach that takes all gambling venues into account. If it is to be a health measure, it needs to take a range of entertainment, food and gambling venues into account. The parliament is treating it as a health issue as opposed to a gambling issue. It is true that a by-product of passing measures such as this might be to cause problem gamblers to take a break to reflect on what they are doing in the course of their betting, but the opposition believes that it has to be an holistic approach. To that end, we are waiting for the Premier to make good his promise that the government will take action. Quite clearly, if it does not take action as part of the measures to be taken against smoking in public places generally, the opposition will have to take the initiative if not before the election then as the government after the election. I have every confidence that the opposition will do that.

In the first place, though, it is up to the government to respond to the letter from the relevant union secretary and convene a meeting of the relevant stakeholders to address the issue of passive smoking in this type of venue generally. It is on that basis that the opposition will be opposing the amendment. The member for Fisher is wrong and insulting in the way that he has characterised opposition to this amendment. I am prepared to acknowledge that it is a move in the right direction, but it should not be done by itself. It needs to be a comprehensive approach to smoking or a comprehensive approach to gambling, and the member for Fisher is wrong to think that opposition to it is based on the fact that people are in favour of either gambling or smoking in public places; that is just wrong. For the reasons I have stated, the opposition opposes the amendment.

Mr CLARKE: The caucus decision is quite clear as far as the Labor Party is concerned: we will be opposing this amendment. As a member of the caucus, I will loyally follow our rules and vote accordingly. However, having said that, I am free to express my personal views on this matter, and I support the banning of cigarette smoking, and not only in gaming rooms. There is nothing to stop this committee extending the ban from just hotels and clubs with gaming

machines to include all licensed premises, whether they be gaming premises or otherwise, so that there is no perceived competitive advantage in respect of licensed premises.

In response to what the Premier said about our not dealing with this bill—that this bill is about gambling so we should not deal with health issues in gambling—I well recall a taxation bill introduced by the then Treasurer, the long-departed, long-lamented then member for Mitcham, the Hon. Stephen Baker, when the member for Adelaide (then Minister for Health) tacked onto that piece of legislation an historic first in this state banning cigarette smoking in restaurants and eating areas in hotels. So, while I am on my feet, I want to apologise at this point to the member for Adelaide. I was one of a number of members who took pot shots at him and said that he did not consult with the industry long enough, or anything of this nature, and that it was a terrible thing to do to just bring it in without consultation and, therefore, we should have another talkfest, a round table conference before introducing such a measure. To the minister's credit, he held his ground and in this chamber we passed landmark legislation in this country. He was right and I was wrong.

An honourable member interjecting:

Mr CLARKE: No, I am quite happy to admit when I am wrong. I want to read briefly from the editorial in the *Age* last week, although I do not have the exact date. It was one of the early editions last week and relates to the case of Ms Sharp and the Port Kembla RSL Club. The editorial states:

Her landmark victory was a recognition of the dangers of passive smoking and has exposed an anomaly in this state's anti-smoking laws. Smoking will be banned in Victorian restaurants and hotel eating areas in July and is expected to be banned in enclosed shopping centres next year, but will be allowed to continue in bars and gaming rooms. While people wishing to avoid the hazards of passive smoking can simply choose not to patronise smoky venues, workers in the hospitality industry are forced to bear the consequences of this legislative inconsistency.

Independent MP Susan Davies' proposal to ban smoking in gaming outlets is timely and reasonable. Such a ban is likely to prove beneficial to those gamblers who smoke—because it will force them to move away from the gaming tables or poker machines should they want to light up and therefore may work to break a destructive cycle. But the ban has been opposed by the state government, the opposition and the National Party. This is bad news for workers in the gaming industry and, if the results of the January 2000 Auspoll study are to be believed, it may be bad news for the gaming industry itself. Forty-eight per cent of non-smokers who responded to the poll—which was commissioned by Philip Morris—said they thought they would attend gaming venues more if smoking was banned. As for the smokers themselves, 14 per cent said they would attend gaming clubs more, and 60 per cent said it would make no difference.

Over the past decade Australian smokers have adapted well to restrictions on their freedom to smoke at work, at sports venues and in government buildings. Despite their grumbles, smokers have cooperated with laws designed to safeguard public health. Drinking and smoking or smoking and gambling may be a comfortable coupling of vices for those who enjoy them, but there is no immutable law that says they must always go together. Indeed, as the case of Marlene Sharp demonstrates, hoteliers and gaming operators may be acting against their own interests in the long run if they continue to lobby for smoking to be unrestricted at their establishments.

Every member in this chamber recognises that there is a direct link between passive smoking and cancer and other illnesses. That is the very reason why we do not allow smoking within the precincts of this parliament, except in Botany Bay, and in all government offices—except for those who want to stand outside in the cold wind, and that is their business. We do not allow customers to smoke in the TAB, restaurants or other eating areas or at Football Park, SACA or other places of public entertainment, for the health and well-being of not only the customers but, more particularly,

the workers in those industries. Do not tell me, as John Lewis said on television last week, 'That is part of the job.' Part of the job for some workers was to work with blue asbestos, and it cost them their lives and their families, and we have banned it. South Australia led the way with respect to the removal of asbestos in public and private buildings in the mid 1970s.

The member for Hammond is to be commended for bringing forward this legislation. I only wish that in one sense it went further to include the whole of the hotel and club industry so it was not just with respect to gambling. If we had waited for this holistic approach and to see what happened in other states, we would never have banned asbestos 25 years ago. If the Minister for Health at the time had not seized on a taxation measure, we would not have got around to banning smoking in restaurants, which has been a boon in this state.

With respect to other matters, when I hear discussions of round table conferences, summits and talk fests, I want to reach for a gun. That is a recipe for inertia and procrastination—a do nothing solution. I tell you what will happen at a round table conference: the AHA will be there, and they will say, 'Don't worry about it; we will deal with it in our own time and in our own way.' So, some pubs might go head ahead with banning, and others will not. Most of them will be looking over their shoulder to see what the next one will be doing down the street in case it works to their competitive disadvantage. You will have difficulties with the union itself, because you will have employers talking to their staff, saying, 'If a ban is introduced, or if I am forced to put a ban in this place on front bar smoking and the one down the street does not, you will lose your shifts.'

Why do we not do the job for them and relieve the burden on the union, the workers and the employers, and universally, across the board, ban smoking in all hotels, clubs and places of public entertainment so there is no competitive advantage or disadvantage? They would all be treated the same. We know that this will happen, but we will procrastinate. We will allow this to drift on for another year or more—I suspect more—until finally something or other will cause a trigger, like a workers compensation claim here in South Australia.

If WorkCover is not already working out with its actuaries what increase in the levy rate it should apply with respect to those industries that allow cigarette smoking within their four walls, then it is negligent in its duty to provide for its potential future liabilities. So, the industry will be faced with significant cost increases, just with respect to WorkCover. This is why I commend the member for Hammond: why not show a bit of leadership? Although we do not have a holistic bill in front of us, let us deal with what we have. That landmark decision only came out 10 days ago. Well, let us get on with it and we can add to it.

The Hon. W.A. Matthew: Will you be voting in favour of it?

Mr CLARKE: No, I will not be voting in favour of it.

The Hon. W.A. Matthew: Why not?

Mr CLARKE: Quite simply, it is not the caucus decision.

An honourable member interjecting:

Mr CLARKE: Not at all. The rules of the Labor Party are quite clear. If the majority decision is taken to the caucus, you vote with the majority, and I will accept that. That is the rule of the Labor Party and I accept it. That is fair enough, but as Frank Blevins always told us in the last parliament: as long as you vote the caucus decision. But how you speak is another matter. And I will vote the caucus decision.

I just want to finish my contribution on this issue of employment. We are not so richly endowed in this state with

employment that people can be choosy. The only growth we have really had in employment in this area is in relation to tourism and the service sector—ironically enough, in part caused by the introduction of poker machines, opposed by the member for Hammond. Anyone who does not have any other form of income needs work, and this is one of the few areas of the economy in which they can actively seek work and have some reasonable expectation of getting work.

However, one in five South Australians has respiratory problems or suffers from asthma, and it is a growing incidence. We are saying to those people that they cannot apply for work at the casino or in the front bars of hotels or whatever because of the dangers it poses to their health. They either voluntarily submit themselves to that health problem, with all the consequences that flow from it, or they cannot seek employment in that area. It is somewhat unique that we in this parliament say, by voting against the member for Hammond on this amendment, that, out of all the occupations in all the industries in this state where there are clear and present dangers and known dangers to the health and welfare of workers, this occupation is exempt from legislative action.

The Hon. W.A. Matthew interjecting:

Mr CLARKE: Let's see how you blokes vote. I have got up and honestly stated my view, and I have honestly stated, likewise, that it is the decision of the Labor Party, which I will abide by. Apparently, the Liberal Party does not have such rules or caucus rules, so you can vote with Peter, the member for Hammond, and I personally look forward to your doing so. I hope that there are 23 others to do it and that you pass the amendment. So, I simply say, in conclusion—I have said that about three times—

An honourable member interjecting:

Mr CLARKE: Four times, I am sorry. We should not knowingly consign a significant number of workers in this state to enduring, for one moment longer than necessary, working in an unsafe environment. We cannot claim ignorance: we know the facts and the health risks and there is no excuse for the parliament to delay, for one moment longer, legislative action which will protect their health and safety at work.

Mr SCALZI: I wish to make a small contribution on this very important issue. I am proud to be a member of a government that has—

Mr Lewis interjecting:

Mr SCALZI: It will last a lot longer than Independents, if you look at history. As I said, I am proud to be part of a government that had the first legislation in this area in Australia, and I commend the former minister and the present minister for the approach of this government in having an anti-smoking task force. It is true, as the member for Elizabeth said, that we should have a holistic approach, that it should not deal with just gambling and it should be across the board.

I have listened with interest to the member for Ross Smith and I have great respect for the argument that he has put. It is true that workers must be protected. A person's rights should not change because they are in one venue and not another. The protection of workers should not be different whether they are in the front bar, in the back bar or in the restaurant. Their right to protection from the harmful effects of smoking should be the same. Eventually, we will have to go down the path of the landmark compensation decision in New South Wales. It is, undoubtedly, a decision that we will all have to take as a parliament. It would have been better if this amendment had been dealt with as a health issue across

the board, but it is before us and, unlike some of my other parliamentary colleagues, I believe that it is also a gambling issue.

These days when the problem gambler sits down in a hotel, the staff brings him a free cup of coffee. Once the cycle of gambling is broken, he is more likely to reflect. What better way is there to reflect on whether you want to continue gambling than to go outside in the cold air to think a bit while having a smoke? I do not believe, as I said previously, that gaming machines are the root of all evil but, disproportionately, in recent years they have attracted more than their fair share of problem gamblers. One must acknowledge that.

I find it difficult to accept that hotels should be exempt from this protection of people who visit their establishment, whereas if they went to a restaurant they would not have that exemption. If it is a health hazard, it is a health hazard regardless of the geography of the establishment, and we must acknowledge that. As I said, I would have preferred if it had been put another way but, in all conscience, I believe that the amendment makes sense. The timing of it may not be right but, if I believe in a particular issue, I will not necessarily oppose it because of the timing. Other members are free to do as they wish.

Mr Conlon: Tell us what you are doing and sit down.

Mr SCALZI: The arrogance of the member for Elder when other members speak! I remind the honourable member that he is still in opposition.

Mr Conlon: Well observed.

The CHAIRMAN: Order!

Mr SCALZI: The honourable member can carp and carry on as much as he wishes, but I will use my right to speak—

The CHAIRMAN: Order! The member for Hartley might like to come back to the clause.

Mr SCALZI: I will, Mr Chairman, but I will use my right to speak in this place as long as the electors of Hartley wish me to do so, and regardless of the carping of the member for Elder, or the would-be senator who presently represents Elder.

Mr Conlon: I am very hurt.

The CHAIRMAN: Order!

Mr Conlon interjecting:

The CHAIRMAN: Order!

Mr SCALZI: This is a very important issue. The government has acted on this in the past, as has the parliament. South Australia has a proud record. Last week when I was in Melbourne the issue was brought home to me very clearly, because I noticed that when you eat out in Victoria you do not have the same protection as you have when dining out in South Australia. South Australia has a proud record with respect to that, and I am sure that the task force will deal with this issue. I have every faith in the government. As I said, unlike some of my colleagues I believe that it is also a gambling issue. It does provide a brake in that it breaks the cycle of gambling and, for that reason, I will support the amendment.

Mr LEWIS: I would not want to truncate the opportunity of others to contribute, but I would like to respond to some of the remarks that have been made. I thank the member for Elizabeth for pointing out that, in the remarks that I made during the course of the discussions we were having earlier this month on the last occasion that this bill was before the House, I indicated that it was not only a health issue but that I thought that the House would determine its position on the health issue for workers. How wrong I was. Quite clearly, the government needs more evidence.

Well, there is more evidence, and the member for Elizabeth properly alluded to it. It is the fact that if you do allow smoking by patrons where they are also engaged in the activity of gambling you ramp up their risk of becoming addicted to gambling and it enhances the level of their dependency on cigarettes. I am not being personal to any member in this place or to any citizen anywhere: I am just stating physiological facts. It is a very dangerous cocktail, indeed, to mix the derivative substances of tobacco with alcohol and caffeine and add in the adrenalin that comes from the rush when a person is gambling.

That is what causes a greater level of predisposition to addiction to gambling, as well as to each and every one of those other three potentially addictive substances. It is very bad for patrons. I am not a nanny, but I am pointing out that the consequences for you, Mr Chairman, me, all other members in this place and every other citizen is an increase in taxation if we allow that behaviour to go on, because we will have to pick up the pieces. As legislators we are saying that it is okay to ignore the consequences for the individuals who work in these establishments and ignore the consequences for the patrons themselves who will not look after their health but require the rest of the community to pay more taxes to fix the ruddy problems that arise from those collective addictions.

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

I have made the point, and I remind members, that it is a lethal cocktail to have a combination of alcohol, along with coffee (which is caffeine), along with the derivative substances absorbed from cigarette smoke, added to which is the stimulus of the adrenalin rush that comes—apparently—when money is being inserted into one of these infernal machines, and more so if there is a win, however slight. That is very damaging to the health of the gambler, and it is very addictive in the way in which it reinforces the addiction of the person to gambling. Eliminate any one of those factors and one reduces the level of addictiveness of the practice.

The clause before us to which honourable members have been contributing is to at least prevent passive and/or active smoking in gambling venues—particularly smoking in gaming rooms. The Premier says that we must not do it here (and this argument has been pointed out by the member for Ross Smith), because this is about gambling, but the no-smoking argument, for occupational health and safety reasons, as well as for personal health reasons of other patrons, is really a health issue. For God's sake, of course it is, and it is more so, and worse, in gambling venues. Forget about the staff if you wish; put that aside for one moment and just consider the consequences for the people who are in there gambling—be they non-smokers, who then become exposed to what is called by the experts ETS (environmental tobacco smoke), or smokers, who are exposed to what they inhale as well as what they cannot help but inhale from what is left in the atmosphere. Environmental tobacco smoke has three parts to it—and I do not know that this is all that important, but I inform honourable members that those parts consist of the following: the mainstream smoke that has been exhaled; the sidestream smoke, which drifts off the end of the cigarette; and the smoke breathed out by smokers from their lungs. In any case, there is a large number of carcinogens in it—and I refer honourable members to the Quit web site if they want to get the names of those chemical compounds. I am drawing attention to this issue in the debate on this clause because these substances are very carcinogenic—as well as being very destructive of the blood vascular system, the brain and other nerve tissue—for example, ammonia: how many members in

here can stick their head in a bucket that has ammonia in the bottom of it, take a deep breath and be able to stand up immediately after taking that deep breath?

The Hon. G.A. Ingerson: Absolutely none.

Mr LEWIS: Absolutely none. The member for Bragg knows that it has very severe consequences; as a pharmacist, he would have to know that. Likewise with benzene, and also carbon monoxide, the preferred poison of some people who commit suicide by inserting a hose in the exhaust pipe of a motor car. Tobacco smoke also contains nicotine and 2-naphthylamine, 4-aminobiphenyl, N-nitrosamine, benz[a]anthracene and benzo-pyrene. They are the sidestream and mainstream components of tobacco smoke.

I am anxious about the consequences of our deciding here and now to do nothing, simply because someone is looking at the health effects of tobacco smoke and they want to package all that up together. I do not care what the minister for health is doing. We have had years to deal with this and, as the member for Ross Smith pointed out and as the member for Elizabeth acknowledged in the course of her remarks, the damage that was being done in places where people eat by others smoking in their company was recognised, and a bill was introduced on tobacco taxation (concerning remission of powers to the commonwealth or something) using the proposition from the then Minister for Health, the member for Adelaide, who is now Minister for Information Economy. Parliament passed that proposition. As the member for Ross Smith acknowledged, that was groundbreaking legislation, probably more than members of parliament dared.

I know that, over the last 20-odd years, until the recent turn of the century, almost every minister for health in Australia who had attempted to do anything about tobacco smoke and the consequences for public health, not only the smoker but other people, was knocked off by a concerted, carefully analysed, deliberate campaign of the tobacco lobby to get them within their party and/or in the subsequent election. They got rid of them within one parliamentary term, every minister for health. Members can check the record. Whilst it is interesting in this debate, it is not germane to it. That is the strength of the tobacco lobby, and I mention that point because I now see Mr John Lewis flexing his muscles. He threatens me on a regular basis.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: I never threaten the member for Bragg. I have always been honest with him. I have told him that he is a waste of space here. He does not believe in anything except his own survival. The problem we have with this circumstance in which we find ourselves is that, if we do nothing, there is no certainty that we will finally have a recommendation adopted by the Liberal Party room that packages up the measures that are proposed in this amendment, and elsewhere in the amendments that I am suggesting, with all the other ill effects on health of tobacco.

Most changes to which there is strong opposition by the people who want to be allowed to continue what they are doing, just because they did it before, are done on a gradual basis. It is never suddenly lawful to do it one day and unlawful to do it the next. The only instance that I can think of in my 21 years in parliament concerned the native vegetation clearance controls. When they were brought in, they were sudden. They were ultra vires in the first instance, but no-one knew that. One day it was lawful to drive a bulldozer to clear scrub to prepare land for agricultural production, and then regardless of the good or bad effects, or regardless of what might otherwise have been done with that

land other than have the native vegetation on it, overnight the practice was made illegal. The practice of clearing and the practice of using the land for agricultural production without clearing it, that is, by grazing goats in it, which ate the bark off the native vegetation to the point where it died, and other practices like that, were immediate and sudden in their cessation.

There was even the means by which you could apply and get approval perhaps, but it was not any longer possible for the individual landowner to choose whether or not to clear their land for agricultural purposes. Some other authority could determine that. No compensation was paid if they bought the land with a view to turning it into agricultural production, knowing that up until that time the costs of clearing were deductible from their taxable income. No compensation was paid to people who owned land clearing equipment on which they had spent hundreds of thousands of dollars, even if they had bought it the day before. No compensation was paid to the lost productivity that ultimately resulted from the decision to prevent even regrowth from being cleared.

I now turn to other examples in history. What I would like to do for the benefit of members of the House is draw their attention to something I am sure most of them might otherwise have missed, that is, the *Sydney Morning Herald* article of Friday 11 May, written by Simon Chapman, who is the Professor of Public Health at the University of Sydney and Chairman of the Action on Smoking and Health. That article attributed to him starts out drawing attention to the Marlene Sharp case 'for her passive smoking caused throat cancer'. There are many things I could say, but let me refer to the second paragraph in which he says:

Romanticised as the last bastions for the standard-bearers of freedom, the more sordid truth has always been that bars are hothouse incubators for respiratory disease and cancer. While patrons plainly choose whether or not to baste their lungs with others' smoke, the argument that bar staff have the same choice is redolent of Dickensian mine owners foaming that they didn't force 10-year-olds down mines; they could always get another job.

That is exactly what John Lewis was saying in his public utterances on this topic—'You could get another job.' Hell, I wonder whether John Lewis is the same kind of person who opposed Lord Shaftesbury when not much over 100 years ago he brought in that legislation for which he was lambasted banning child labour. The article continues:

Just as factory owners today cannot say to their workers, 'The noise, dust, asbestos or chemicals in here will probably make you ill—but so long as we've told you our hands are clean,' bar owners now know the same line will not wash with the courts. Imagine a building owner saying, 'We've removed most of the flaky asbestos from the ceiling, but not all of it.' Yet despite the verdict, Clubs NSW is still advising its members in writing about options for reducing their risk, such as 50 per cent of bar areas should be smoke free.

Which 50 per cent? It continues, and this is the bit I like:

It's like having a non-urinating section in a [public] swimming pool.

Ms Stevens: That's not a bad example.

Mr LEWIS: No. The article further states:

Smoke particles lodge in the viscera. After years of this, we know the rest. . . the Fairfax columnist Miranda Devine went apoplectic in the *Sun Herald*, her head spinning like Linda Blair's in *The Exorcist*, draining her lexicon of projectile abuse for nicotine nazis and wowers. We get excited by bossing people around. We even get paid for it! But what about the barmaid? To Devine, smokers' untrammelled contribution to Sharp's throat surgery and radiotherapy is immortalised as part of the communal experience. Her surgeon

is presumably a dedicated, life-restoring hero. But people who try to prevent this are apparently nazis.

For my pains in this and similar matters, I have been referred to as a fascist. I do not mind. If that is what they think, then they clearly do not have any understanding of what it is to be a fascist. My pleas are more based on my concern for the consequences of people not smoking themselves but who are compelled to breathe the environmental smoke. Further on in the article, Simon Chapman says:

Thankfully, many smokers are only too conscious that their freedom stops at other people's noses. Here, the role of the Australian Hotels Association in opposing smoking bans is particularly interesting. Its own polling last year found that the leading complaint of pub attenders was tobacco smoke.

That was the leading complaint—25 per cent. There was daylight between that and the next concern, and would you believe what the next concern was: 16 per cent said poker machines. If the government wanted some evidence that I know what I am talking about, that the honourable Mr Xenophon in the other place knows what he is talking about, and that the people of South Australia knew what they were on about when they elected him, and if the opposition wanted to get a life and give other people the chance of a life, they would recognise those points and support the proposition we have before us.

Let me conclude this quote by going through the next column completely to the last paragraph. Simon Chapman said—and I remind the committee he is the Professor of Public Health at the University of Sydney:

I would like to see a return to the dedicated smoking room of the gentleman's club. If these were unattended by staff, had airlocked doors and were separately ventilated from an outdoor air source, smokers' and non-smokers' civil liberties could be safeguarded. Have your smoke, romanticise with others about how rebellious and interesting you are, but leave the lungs of the rest of us alone. We can see such rooms now at airports, where smokers sit feeding their addiction in glass-boothed atmospheres so awful that they make wonderful health education messages to all who pass by.

Hear, hear! And I thank the member for Ross Smith for his contribution of support in that regard.

I go on and point out, though, as if that were not sufficient evidence to compel the members on either side of the House to support the proposition I put tonight, that passive smoking contributes significantly to the risk of sudden infant death syndrome. Do not tell me that women do not take their infants into poker machine parlours, because I have seen them in there—young women, hooked on poker machines with their kids sitting in bassinets beside them.

Children exposed to environmental tobacco smoke are about 40 per cent more likely to suffer from asthmatic symptoms than those not exposed. It is suspected that the single most important factor next to that is the excessive use of antibiotics in infants, such as those to which I have referred elsewhere—the oxytetracycline that is used to dose American foul brood in hives that are otherwise producing the honey into which parents innocently dip their babies' dummies to shut them up, so that they will suck on the dummies a bit longer, and it is dosed with an antibiotic that will tick along their asthma predisposition. About 8 per cent of childhood asthma is attributed to passive smoking; that is 46 500 children a year. Go on, tell me you can still justify voting against this! It is estimated that the risk of heart attack or death from coronary heart disease is about 24 per cent higher in people who never smoke but who live with a smoker, compared to unexposed people who have never

smoked or who have not lived with a smoker. Tell me it is justifiable to put off what I am suggesting in this measure.

It is estimated that people who never smoke and live with a smoker have a 30 per cent increase in the risk of developing lung cancer. Before he died, Don Dunstan said that he felt that sitting in cabinet for so long with so many smokers probably contributed to his cancer. I am not saying that in any disparaging way about the man or about his colleagues. We were ignorant—or at least the tobacco lobby convinced us that we did not know what we are talking about in those days if any of us were concerned. Further, there is a 30 per cent increase in the risk of developing lung cancer compared to people who never smoke and live with a non-smoker leading to about 12 new cases of lung cancer and 11 deaths from lung cancer per year in people who have never smoked.

In the United States, it is known that environmental tobacco smoke is a huge lung carcinogen which is responsible for 3 000 lung cancer deaths annually in non-smokers. Well, we have seen the advertisements on TV and they are not intended to make us sick: they are intended to warn us that the practice of smoking and/or passive smoking will make us sick. As a population, our exposure to such risks enhances the likelihood that many more of us will die.

Why would members in this place, accepting the statistical and scientific validity and the biological accuracy of the analysis, wait another day to do something in the gradual process of the roll-back of that habit that has been with us since the days of Raleigh and Hawkins? I cannot understand how any member, from the Premier to the most recently elected backbencher, can possibly contemplate putting it off longer than taking this moment to say to the public of South Australia, 'We are taking you back. It is wrong. It is not fair to your fellow citizens, either to their health or their taxes, for you to presume that you have some right to indulge yourself and in consequence put at risk not only your health but also that of others; and it is not only your health because you enhance the prospects of becoming an addicted gambler if you smoke while you gamble.'

Ms STEVENS: I would like to make some further comments on points raised by both the member for Hammond and the member for Ross Smith (with whom I usually agree but in this case beg to differ on a few matters of process). The member for Ross Smith castigated those of us who are opposing this amendment by saying that we should show leadership and pass this amendment immediately. There is more than one way of showing leadership, and to jump immediately to an amendment to a totally unrelated bill and pass it two minutes after it is put in place is one form of action. However, it does not necessarily mean that it is the only form of leadership in relation to passive smoking.

There are other ways of doing things. There are other ways, for instance, of taking a considered approach within a certain time frame and to still come up with good legislation and good policy. There is more than one way to skin a cat and there is more than one way to show leadership. The member for Ross Smith talked about round tables and he said that, if he ever heard the words—

Mr Clarke interjecting:

Ms STEVENS:—talkfest or summit, he would reach for a gun. It is just as well that we did not take him at his word.

Mr Clarke interjecting:

Ms STEVENS: That is true. The point is this: there are round tables and there are round tables. If people are committed to getting a result, working through an issue, getting somewhere and doing something about it, they will

do it. It does not have to be a load of rubbish. It does not have to be just a timesaving or time wasting ploy—even though I admit those things are used. It does not have to be like that. If people are committed to getting a result then in fact they will get a result.

I draw attention to a letter I quoted earlier from Mark Butler, Secretary of the Australian Liquor, Hospitality and Miscellaneous Workers Union. I will read one sentence again. He said to the Premier:

I therefore ask you formally to convene a meeting of all relevant groups to begin discussing ways of ensuring the occupational health and safety of hospitality workers and maintaining the ongoing dynamism and viability of the state's hospitality industry.

I do not think that was a talkfest but a request to get down to business. That is what we need to do. I also raise another very important issue as it is one of the things Mark Butler raised with me and others in our caucus. I received a letter faxed to me from a hotel owner in my electorate. That person owns three hotels. I will not name them, but will quote from that letter as follows:

My objections are as follows: this ban would adversely affect trade to our hotels in all areas, including the front bar, TAB and Keno, bistro bar and lounge area and the gaming room. A very high percentage of patrons in these areas frequent our hotel for the facilities we offer. These customers enjoy a drink, snacks, TAB, Keno and pokies and in doing so also enjoy a cigarette. If this bill were to be introduced our patronage to the hotels would be greatly affected. Therefore, we would have to assess our staffing levels. Our current staffing level is at 110 and the passing of this bill may mean that many staff have their hours reduced to no work at all. Thank you for taking the time to read my letter of concern. I anticipate you will vote positively for our investment and our staff.

That is the sort of thing that immediately starts to happen in relation to workers and their jobs, and that is the other issue that needs to be balanced up and worked through. It does not mean that you have to give ground, but you have to work through a process to get a result.

Interestingly in the *Advertiser* on Friday 4 May—the day after the decision in New South Wales—was an article headed, 'Smoking cloud for more public venues', and also an article by Stuart Innes headed, 'Club patrons have the best of both worlds'. It was talking about the Parafield Gardens Community Club, saying that it was great as they had a smoking and non-smoking area. Those who know anything about passive smoking know that the experts argue that no matter what ventilation you put in hotels it will not be good enough to get rid of it all, unless you are prepared to have a whirlwind going through your areas. That is one issue, and essentially what we have now is probably not good enough. The most interesting part of the argument was a quote from a non-smoking bar worker, whom I will not name, as follows:

Non-smoking bar worker [X] raised her eyebrows at the \$466 000 passive smoking compensation award for New South Wales bar worker Marlene Sharp. 'It doesn't bother me', she said of working in the smoking area. 'It's part of the job. I chose this industry to work in: it's part of the atmosphere of the industry.' Although a non-smoker she said she preferred working at the club's smoking bar: 'It's a busier room, there's more happening.'

The worker is saying exactly the sort of things promulgated by John Lewis and others. There is work to be done in educating people, in saying that this is not right, your health is affected and we need to work through a process and need to do it together. Finally, I want to return to showing leadership on the issue.

During the break I had a call from Mark Butler, who tells me that, in response to the letter, Quit had responded to him and are keen to talk. He had heard from the Licensed Clubs

Association and the AHA, but he had heard not a sausage from the Premier. I would like to say to the Premier that he took the issue and got the players together with a lot of fanfare in relation to gaming and a cap on poker machines and related issues featured in this bill because there was a strong will to get a result. The challenge now is for the Premier to do the same. The players have indicated that they want to do this. If we can do it in respect of gaming machines within three or four months, why cannot the same thing be done with these players in respect of the smoking issue? Let us get these people together, get the industry and the work force to work out what needs to be done, and let us do it voluntarily before, as I have said, it is imposed from various directions.

The Hon. G.A. INGERSON: I want to make a few brief comments following the remarks of the member for Elizabeth. During the short time that I have been in this place, one thing that has been very obvious is that if you sit down with all the parties you can work through an issue in a reasonable way. The member for Ross Smith will remember that the quickest piece of legislation ever to go through this House was about workers' compensation, and that happened because the political parties and the unions sat down together and sorted out the whole process.

Mr Clarke: You listened to me on that occasion.

The Hon. G.A. INGERSON: That is right, because we won. The reality was that there was a whole lot of—

Mr Koutsantonis interjecting:

The Hon. G.A. INGERSON: No, let me finish. The reality was that, in that instance, every party won. That is the best way to get legislation through and, more importantly, long-term community support. The Minister for Health has advised our party room that his task force has been working with the clubs, hotels and unions to look at how they can sort out not only the issue as it affects gaming areas but the issue of smoking in closed venues.

This amendment is thrown in as a support measure for a member in another place because it is interesting to create a little bit of a stir about this issue, but the long-term benefit of it will only come about when all the parties sit down and go through the issue in a reasoned non-political way in order to achieve positive outcomes.

Having been a minister for industrial relations and having had a lot to do with occupational health procedures—in particular, the effects of WorkCover—there is absolutely no doubt that we have to do something about smoking in the workplace. There is no question about that, but at the end of the day the issue is: how do you achieve an outcome from which everyone benefits as quickly as possible? You never get that when you throw a piece of meat into the ring and hope that someone will grab it and fix it up—it does not work in that way and it never has during the time I have been in this place.

If you look at the long-term history of legislation, the only legislation that works in the long term and retains the support of all parties for a long period of time is that which has been properly worked out. There has been a commitment by the Premier and, in a practical sense, by the Minister for Human Services in terms of his task force on smoking. That task force is currently working with the industries to which we have referred today to come up with a long-term but quick solution.

I think it is in the interests of all of us to wait for that to happen. There is nothing wrong with our putting pressure on to try to make sure that it happens within a reasonable period

of time, but just to jump in for the sake of getting a political grab bag and a little bit of publicity without getting the industry to go along with you and support you I do not believe is necessarily the way to do it. Obviously, there are people who will disagree, but I do not think that there is any doubt at all that the best way to do it is with cooperation. One of the most successful groups of people in our community—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Well, during the time that I was minister it was handled very successfully, because the unions were prepared to sit down with the employers and sort out the problem. That is still the case, because some excellent unionists are working with employers to remove asbestos from the industry. It is a long-term issue, just as removing smoking from these environments is a medium to long-term issue.

Mr KOUTSANTONIS: First of all, I want to defend the member for Hammond's intentions in this motion. I feel compelled to vote against this amendment. I am a smoker—I will clarify that to start with. I do not believe for a second, member for Bragg, that the member for Hammond has come into this place and introduced a piece of legislation to ban smoking because he believes that it will be a quick political grab. I believe that the member for Hammond is doing this because he believes passionately in the health and safety of workers in South Australia. He believes passionately in the health and safety of those people gambling or working in pokie venues. I do not think for a second that any member of parliament, whether they be Labor or Liberal, would walk into this House with other than honourable intentions. For instance, we have heard the Premier in this place saying that he sold ETSA because he believed that it was the right thing to do. We disagreed with him because we thought it was the wrong thing to do but no-one questioned that his intentions were honourable.

For the member for Bragg to say that the member for Hammond is just after cheap publicity is disgraceful, and I think that he owes the member an apology. I think he even impugned improper motives on him, and I should have moved a point of order when he started to speak in that way. It is a disgraceful way for a former deputy premier to be speaking about a member of parliament—who has been thrown out of his political party for holding views he believes in. This from a political party that apparently stands for the views of individuals. It throws out a member of parliament because of his individual views.

Mr Clarke interjecting:

Mr KOUTSANTONIS: No, no, you're gone for other reasons. It throws out a member of parliament for his views and then a member gets up here and questions them. I find that amazing for a member of the Liberal Party, whose members base their views and values on the rights of individuals to have different points of view. So, on behalf of the member for Hammond, I understand why he is doing this. I think he has honourable intentions and I congratulate him for that. I do agree, but I think there should be a bigger approach to this, because it is not just pokie venues where workers are exposed to passive smoking. There are children in cars being picked up by their parents who are exposed to passive smoking. There are people in households who are exposed to passive smoking. Passive smoking is a threat not only in pokie venues but everywhere, and I think that there should be a holistic approach to banning smoking.

I am someone who does not believe that smoking should be banned because I am a smoker and I believe that people

have a right to choose when it comes to smoking. But I believe that when it comes to gambling venues there should be an approach where the unions, the workers and the employers are brought together to discuss a solution for an eventual phase-out, as was the case with restaurants. There was a national approach to try and stop smoking in restaurants where food is being served.

I understand the member for Hammond's point that people who are predisposed to be smokers are probably predisposed to be gamblers as well. If they are gamblers then the time spent sitting in front of a poker machine might encourage them to smoke. I do not think this amendment was moved to protect people who are non-smokers who want to gamble. I think it was moved to try and discourage gambling. The honourable member's intentions might be honourable but I do not think this is the right outcome for the people who are fighting to keep tobacco away from people who do not wish to smoke. I think it is the wrong way of going about it. The member for Ross Smith believes that smoking should be banned in pubs and clubs. I look forward to his private member's bill where he will ban smoking and tobacco altogether because he believes it is such a great evil.

Mr Clarke interjecting:

Mr KOUTSANTONIS: I am sure you will. We are always ready to encourage you to speak your mind. The Labor Party is always encouraging the member for Ross Smith to speak his mind and say what his views are. God knows, we can't stop him. I do reject what the member for Bragg said, but I will be voting against this amendment because I do think that the member for Hammond should be taking a holistic approach to this, bringing in all groups to try and have a greater reach to try and stop smoking.

Mr CLARKE: I have already spoken extensively on this matter. In my second contribution I just want to point out to the member for Bragg, who talked about the best form of improvements in occupational health and safety in terms of education and cooperation, that our health and safety in the workplace has diminished in the years of Liberal administration because the party in power has favoured a policy of so-called education and consultation with employers. They do not fear the cold steel of the enforcement of the Occupational Health and Safety Act when they operate in a negligent fashion at work sites and cause injuries. Nor do they have to confront prosecution by the Industrial Court for their negligence or face the fines and penalties under the act.

There is virtually negligible enforcement of the Occupational Health and Safety Act in this state because for the last 7½ years the mantra from this government has been: we will try to educate employers to have proper health and safety provisions. They have forsaken prosecutions but both must be employed. Certainly, an educational process is needed but every employer must clearly understand that, if they do not take their responsibilities seriously, they face the cold steel of the bayonet of prosecutions under the act being implemented.

At the moment, with the lack of resources being given to that arm of government, very few, if any, prosecutions are taking place. So employers (not the major employers that understand these costs but many of the smaller and middle sized ones) believe that there is less emphasis on occupational health and safety today than there was seven or eight years ago. So, in my opposition to the member for Hammond's amendment, I reiterate that I hope—

Mr Koutsantonis: Your passionate opposition.

Mr CLARKE: In my passionate opposition under the party's rules on my position in relation to the member for Hammond's amendment, I hope that 24 members of this House will see sense and vote with him.

Ms STEVENS: I support the last comments by the member for Ross Smith. I would like to say again that I have some concerns about the government's commitment to allowing only the Minister for Human Services' task force to deal with this matter. I do not think that is good enough. There is an opportunity now for the Premier to take the lead on this issue as he did with the gambling issue. The major stakeholders have said that they are interested and are willing to be part of this. I ask the Premier to respond to this—

An honourable member interjecting:

Ms STEVENS: That is good. The member for Bragg just blunted—

Members interjecting:

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order! The member for Elizabeth has the call.

Ms STEVENS: In my view, the member for Bragg has somewhat blunted the government's response by saying that the Premier gave a commitment to the task force of the Minister for Human Services, which is doing a whole lot of other things in relation to smoking. They might be good things but this is ground-breaking and it requires commitment and leadership. I ask the Premier to respond as to his intentions in relation to taking up the offer of the major stakeholders to get down to some real work in coming to terms with this issue to get some changes.

The Hon. J.W. OLSEN: I, too, would like to reiterate the comments of other members as they relate to the member for Adelaide and his initiative in relation to smoking in dining rooms and restaurants and how that led the field and the relatively smooth way it was put in place. It was as a result of negotiations and discussions that he had with a number of people that enabled the transition to be as smooth as possible.

I have previously mentioned to the House the commitment by the minister for health—which was made publicly—in relation to the task force and, as members opposite have said, to take a holistic approach to the question of smoking.

Ms Stevens interjecting:

The Hon. J.W. OLSEN: It is a public commitment. I indicated two weeks ago that there was a measure for which I had a lot of personal sympathy: it is this measure. I have not smoked. I abhor smoking.

Mr Foley: Never?

The Hon. J.W. OLSEN: Oh, well—

Mr Foley: Did you inhale?

The Hon. J.W. OLSEN: Yes, I did. I had a packet, I think, although I am not quite sure whether I finished it at the time. It put me off it permanently, and I was grateful for that in hindsight. Given my family history of coronary occlusion, I am glad that it did. Coming back to the member for Elizabeth's several requests to me in relation to the letter from the union, I have asked about this letter. I understand that it came in only a few days ago.

Ms Stevens interjecting:

The Hon. J.W. OLSEN: A few days ago, I am told it was. The point is that I have not seen it and I would not ordinarily see a letter of—

Ms Stevens: It was 3 May.

The Hon. J.W. OLSEN: The normal process is that they go into the correspondence section, advice is sought and that then comes to me. It is not a fob-off: on an issue of this nature, ordinarily I would also seek the minister's advice. The

minister for health, like the member for Adelaide, has a view about this issue, and I suggest that it is not much different from the member for Elizabeth's view nor that of the member for Ross Smith—or the candidate for Enfield, whatever it is.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: Caucus member, albeit. I will be happy to refer that to the minister and look at how we might be prepared to do that. It is a matter that we would like to see progressed, and that is consistent with my views and my response to the member for Hammond two weeks ago that the minister for health has made public statements on this, and I wholeheartedly support those public statements, which must surely be some reassurance for the member for Elizabeth—

Ms Stevens interjecting:

The Hon. J.W. OLSEN: No, in relation to our pursuing this matter. However, the government will not be supporting the provision before the committee at the moment but will seek the advice of the task force. One other point that I want to make relates to comments from the member for Ross Smith. He indicated that we had abdicated the responsibility of the government for education in the workplace. Our education policies through WorkCover have succeeded in the workplace, because we have a 10 per cent increase in the work force and a 20 per cent reduction in claims.

That is the track record and the performance; and that can occur only if there is education and employers take a more diligent and responsible approach to practices in the workplace, which is something that I would agree with the member for Ross Smith is an education program and a fundamental responsibility of employers for the well-being of employees in the workplace.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: The honourable member was talking at the time, so I will repeat that we have a 10 per cent increase in the work force and a 20 per cent reduction in claims. That would tend to indicate that there are education programs and that employers are being diligent in the workplace. I accept that some are not, but the performance—

Mr Lewis: What has been the increase in costs of administration and claims?

The Hon. J.W. OLSEN: I cannot answer that off the top of my head, except to say that the unfunded liability of \$276 million seven years ago is now down to \$20 million, and that premiums and costs for businesses are being cut, because the claims are no longer coming in to the extent that they were—unlike Victoria and New South Wales, where they are going through the roof. That is the track record I would put to the member for Ross Smith. The member for Adelaide's having responsibility for WorkCover also demonstrates a diligent approach by the government. Because of the points I put down in my earlier remarks, we will not be supporting the amendment moved by the member for Hammond, except that this matter will be followed through by the government.

The Hon. M.H. ARMITAGE: I have absolutely no doubt, as probably most members of this chamber and possibly even another chamber also have no doubt, that this move will occur within a very short period. From my perspective as a rigorous campaigner in this direction, it cannot happen quickly enough. We are being told by lobbyists that the issues which might arise if we were to go down this path would be monstrous. I have been told, as I presume have others, that hotels left, right and centre would close; unemployment queues would grow, etc. All I can say

is that I have heard all these arguments before. They were all put to me by almost exactly the same people with exactly the same passion about two years ago, when South Australia led the way in Australia—now repeated I believe in Queensland and Victoria—in banning smoking in restaurants. I represent an area which contains a large number of fine restaurants in a number of concentrated areas and, as far as I am aware, not a single restaurant has done anything other than thrive because of the lack of smoking opportunities in it.

So, I would put to the chamber that when this matter is addressed eventually we will have all those lobbyists again but, frankly, we ought to ignore them. I do not believe from past experience that the dire predictions of Armageddon being released on South Australia will occur—in fact, far from it. I believe the absolute converse will occur—and I acknowledge that I am biased—as I believe has occurred in the restaurant field in South Australia. Most of my interstate and even international friends (not that I have too many of those) are absolutely delighted when they dine in South Australia—

Mr De Laine interjecting:

The Hon. M.H. ARMITAGE: —I acknowledge the member for Price's support—and they are not overcome by the passive smoking effects of the person either at their table or next to them. Of course, as we have all said on many occasions, with our fantastic food and wine in South Australia, why would we not want to enhance that? I would say that we can again lead the way in banning smoking in enclosed places. In listening to the debate it seems to me that many members of the opposition are keen supporters of the principle, which is an interesting contrast to a couple of years ago, when the ALP voted en bloc against smoking being banned in restaurants. That surprised me a lot, particularly in relation to the shadow minister for health. However, the ALP voted against it, but I acknowledge that time has moved on.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: How did it get up? I acknowledge that things have moved on.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Methinks that the shadow minister for health might have been touched by that barb, because the record indicates that she voted against smoking in restaurants.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: If South Australia was ever unfortunate enough for that to occur, one could only hope that her record on these matters would be different. I sincerely hope that it never occurs but, if it does occur, that her record changes. However, at the end of the day, time has moved on, which is a real positive for South Australia, because it has moved on in lots of different fields, particularly in this area—

Mr Koutsantonis interjecting:

The Hon. M.H. ARMITAGE: I support the principle of banning smoking. I think that things have moved on quite dramatically such that, when the issue is addressed, people in the public domain will be much less opposed to this than may be expected. So, frankly, I think we owe it to our citizens.

I note the much publicised issue of the worker in New South Wales: of course, that is a tragedy. Again, I am pleased that this is becoming more of a cause celebre for unions. A number of people in the hospitality industry spoke to me a couple of years ago and they were concerned at that stage about the possible effect on employment. As I said, I think

things have moved on and, indeed, there will be a greatly different perception in the public domain.

However, I note that within about 20 minutes of the member for Hammond's moving these amendments, there was a concerted campaign in the public domain. If we as parliamentarians are expecting to take the public with us, we have some work to do. The last time this became an issue it came before the parliament on, I think, three occasions, and it was a matter of bringing the public along. On each occasion that we addressed the issue in this chamber I noted that support grew. So, frankly, as I said in opening my remarks, I have no doubt that this will occur, and it cannot happen quickly enough. I do not—

Mr Koutsantonis interjecting:

The Hon. M.H. ARMITAGE: No.

Mr Koutsantonis interjecting:

The Hon. M.H. ARMITAGE: I do not believe—

Mr Koutsantonis interjecting:

The Hon. M.H. ARMITAGE: Like you. I do not believe that this is achievable at this moment. So, I assure members of the chamber and members of the hotel association that I will personally be having input into the minister for health's task force because I do not think there is a bigger issue in public health than this. The reason I say that is, as everyone knows, the advertisements and so on about children smoking, about workers being affected by secondary smoking and about the people who are ill with lesions. I am talking about not those who are unfortunate enough to get cancer and die but, rather, those who have long-term, chronic obstructive airways disease and who cannot walk from here to the door without sitting down or without an oxygen bottle.

There are the people who have, perhaps, an occlusion of an artery so that they have gradual amputations. Those are the sort of people for whom I think we, perhaps, have at least as much responsibility; however, they tend not to feature in statistics and they certainly tend not to feature in advertisements because, obviously, cancer is so dramatic. But, obviously, so many people are affected in other ways. As I said, I look forward to a vigorous contribution personally into the minister for health's task force outcomes. I believe that when we eventually get to vote for this it will be an issue that has greater support in the public than people might contend at the moment.

Ms STEVENS: Mr Chair—

The CHAIRMAN: Order! The member for Elizabeth has spoken on three occasions on this clause.

Mr FOLEY: I have something to say.

An honourable member interjecting:

Mr FOLEY: Exactly. I have listened with interest to the member for Adelaide's contribution and, whilst in no way would I attempt to question the passion and commitment that the minister may have towards this particular issue, the minister is clearly in a position, if he so wishes, and if he is so passionate about this issue, to support the member for Hammond. I would have thought that if any member in this parliament had little to fear in terms of their political career it would be the member for Adelaide, given that the member for Adelaide has no political future because he was too scared to run against Jane Lomax-Smith as the Labor candidate for Adelaide.

Members interjecting:

The CHAIRMAN: Order!

Mr FOLEY: As I said, the member for Adelaide was clearly too scared to run against Jane Lomax-Smith. I am not sure what standing order I am contravening, Mr Chairman.

The CHAIRMAN: I ask the honourable member to come back to the clause.

Mr FOLEY: I will but I am not sure what standing order I am contravening. The member for Adelaide was too scared to run against—

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: We reflect on each other all day every day. I am making a very important point, that is, that the member for Adelaide was clearly too scared to run against the Labor candidate for Adelaide. The minister has no political future. If he feels so strongly about this issue why is he not supporting the member for Hammond? Could it be that he is concerned about his ministerial future and that, if he is not seen to be supporting the government, the much rumoured—

An honourable member interjecting:

Mr FOLEY: We have never made a secret of that. The Liberal Party makes much of the fact that it does not have a binding caucus on issues. Of course, the minister is clearly concerned about his remaining few months as a minister; he does not want to be seen to be upsetting the Premier. Of course, many members opposite tonight have made a number of decisions with respect to this bill based on the views of their party. We make no secret of the fact that the Labor Party has a caucus. We have a democratic process within our caucus where we debate an issue thoroughly. We all vote on it within the caucus and the majority position then becomes the position of this party.

Of course, the Liberal Party has a different approach. It has a free spirit. As we saw, that free spirit was lacking a bit tonight. I note that the member for Goyder, the government whip, of course, voted for interactive gambling. I would have thought that if any honourable member was opposed to interactive gambling it would have been the member for Goyder.

Mr Meier: Did you not hear my contribution?

Mr FOLEY: I heard the honourable member's contribution—I just watched him vote! I think that the electors of Goyder should know that, notwithstanding the particular convictions of the member for Goyder, the honourable member was pretty keen to support interactive gambling here tonight.

Mr Lewis: I'm going to enjoy the next election campaign.

Mr FOLEY: Exactly. If the National Party wants to run in Goyder, or if the member for Hammond's new political party wants to run in Goyder, we know now (it is on the public record) that the member for Goyder supports interactive gambling. And the member for Hartley supports interactive gambling. The point with respect to this clause is that—

An honourable member interjecting:

Mr FOLEY: I do not support a cap. I am out there on the extreme.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: I am out there with Ingo. Who would have thought!

Mr Clarke: No surprise.

Mr FOLEY: No surprise, true. I am not sure what the member means by that. Please explain!

Mr Clarke: In due course.

Mr FOLEY: The reality is that, with respect to this amendment, the Labor Party is aware of the issues involving smoking. We are conscious of the issue. It is an involved issue: it is an issue that all of us in this House need time to consider and to work through. I think it is important that all of us work through that decision in New South Wales—

assuming it is clearly upheld in courts of appeal, from a legal point of view. But, ultimately, I think that all members who have spoken tonight who have said that there is a certain inevitability about this are correct. Logic would indicate that there is a certain degree of inevitability about this that, ultimately, the community will have to resolve.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: It is the logical conclusion.

The Hon. M.K. Brindal: Why don't we ban smoking altogether?

Mr FOLEY: If the member for Unley wants to ban smoking altogether, the member for Unley—who is on the record tonight saying that we should ban smoking—should come forward with a bill to ban smoking in the community.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: The member for Unley is now saying that he supports the banning of cigarette smoking.

The Hon. M.K. Brindal: If the House does not have the guts to ban smoking altogether, we should not be doing this. That is what I said.

Mr FOLEY: The member for Unley has restated again and again tonight that he wants smoking banned. I respect the fact that he can have that view: he is entitled to have that view. I am a little surprised that it is that extreme, but—

Mr Lewis interjecting:

Mr FOLEY: No. Let us get this debate back on track. The reality is that this is a very complex issue, and it is one that we all need to consider in the broad with respect to the impact and effect it will have. But I would say to any hotelier, to any manager of a club, to any owner of a bar or restaurant, that they might as well face up to the fact that the world is moving rapidly in this area. I suspect that, at the end of the day, it will not be parliaments that will have to act here; it will be they themselves. I would argue—and I would continue to argue—that we need time to allow that process to occur. Others, quite correctly, have expressed their point of view (and I know the member for Ross Smith has articulated his views both internally and in here tonight), and many members—including the shadow minister for health—have very real concerns and a passionate belief on this issue. Ultimately, a decision was taken by the Labor caucus that I think, on balance, was the correct decision. But, ultimately, we will move forward.

Members interjecting:

Mr FOLEY: I hope that members opposite will allow the Labor Party and their own members to constructively debate each of these clauses. We know that the member for Bright, for example, has said that we should rip poker machines out of hotels; that we should compulsorily acquire poker machines. The member is allowed to have that view: I do not begrudge him the right to have that view. He is a passionate campaigner against the evils of gambling. But what did the member for Bright do tonight when there was an amendment with respect to banning interactive gambling? The member for Bright is more worried about remaining a minister in an Olsen Liberal government than about following his convictions to vote against it. So, he was there supporting—

The Hon. W.A. MATTHEW: I rise on a point of order. The member is clearly reflecting on the vote of another member, in this case myself, and I ask you, Mr Chairman, to call him to order accordingly.

The CHAIRMAN: There is no point of order. I ask all members to debate the matters before the committee.

Mr FOLEY: I can understand why the member for Bright is so sensitive. He got up here and said that we should rip out poker machines and ban them, but, when the member for

Bright was put to the test, he meekly got in behind Premier Olsen and his team on that side of the chamber and supported interactive gambling. I agree with the member for Bright's decision but I am not a hypocrite, as he tends to be. He can argue that point with his community. It is not for me to highlight the hypocrisy of members opposite; that is self-evident.

Let us have a constructive debate. The Labor Party caucus has made a decision, not without a degree of diverse opinion, but on balance it has decided on a sensible way forward, and I know that the member for Ross Smith will support that, as will other members here tonight, notwithstanding the fact that they have a very passionate view. The Labor Party wants to debate these issues with a degree of objectivity and constructiveness. I hope that members opposite do not get too political when we are trying to work our way through these issues.

The Hon. W.A. MATTHEW: If that was a debate reflecting the objectivity of the Labor Party, God help South Australians. We certainly did not hear an objective contribution from the member for Hart but, rather, one which was developed to his usual base, insulting level of debate and which did not focus on the matter before us. The matter before us, as the member for Ross Smith well knows, is that of prohibiting smoking, and that is the matter on which the debate is focused.

I can understand the member for Hart wanting to deviate from the substance at hand because, in listening with deep interest as I always do to the contribution from the member for Ross Smith, it became obvious that a deeply divided caucus decision was taken on this issue. The member for Ross Smith, or the candidate for Enfield in the guise that he corresponds to me, is passionate about his cause and has indicated that he is not happy with the vote of the caucus.

Unlike the Labor Party, members of the Liberal Party have the freedom to cross the floor without penalty. The member for Hart may well postulate on the reasons for members taking votes on particular clauses. He will hear my reasons on each clause and, when I cross the floor, as I occasionally do, he will also hear from me as to why I am doing so on those occasions. If he cares to listen to my contributions during the night, he may well find some occasions where some crossing of the floor occurs, and it may be that I will be on the opposite side of the floor to the Premier on those votes. If that happens, so be it. As the member points out, I have been a passionate advocate against gambling machines in this chamber, and I continue—

Mr Koutsantonis interjecting:

The Hon. W.A. MATTHEW: Empty vessels make the most noise, and the member for Peake demonstrates that frequently.

Mr Koutsantonis interjecting:

The CHAIRMAN: Order, the member for Peake!

The Hon. W.A. MATTHEW: Keep calm! When parliament actually focuses on the substance of the matter of smoking, the debates tend to be most interesting. I know that the member for Peake was a taxi driver before he came into this parliament. I would be interested to hear the member for Peake's views on smoking. Does the member for Peake support the removal of smoking in taxis? Perhaps the member for Peake wants smoking back in taxis. He is shrugging; perhaps he does. The world as we know it did not end when smoking was banned from taxis; the world as we know it did not end when smoking was banned from aircraft; the world as we know it did not end when smoking was banned in picture theatres; and the world as we know it did not end, as

many members of the Labor Party claimed it would, when smoking was stopped in restaurants.

I would argue that the stopping of smoking in areas of restaurants has been one of the better decisions made by this government, championed by the Minister for Government Enterprises (the member for Adelaide). Many members in this place criticise him strongly for the consistent stance he has taken. One of the things for which I pay tribute to the member for Ross Smith—or candidate for Enfield, as he likes to be called—is his actual admission that in opposing the member for Adelaide he was wrong on that occasion. It is very rare that a member of parliament has the good grace to admit that, and I rather enjoyed the member for Ross Smith's contribution in that light.

The issue before us tonight is the issue of whether or not to have smoking in gaming venues. The bill before us is proposed to be amended in this way by the member for Hammond, regrettably without sufficient opportunity to go through the ramifications of the amendment. In amending—

Members interjecting:

The CHAIRMAN: Order!

The Hon. W.A. MATTHEW: In amending the legislation in this way, it is not immediately apparent to me and other members of parliament what physical restructuring may have to occur in gaming machine venues. Bearing in mind that the bill is not stopping poker machines altogether and bearing in mind that the principal bill is extending the cap, it is then beholden upon the parliament to determine the effect of this amendment should it pass. I have significant sympathy for the amendment, which I support in principle. However, I am not fully aware of the ramifications that this amendment will have and neither is the parliament or the government—

Mr Clarke interjecting:

The Hon. W.A. MATTHEW: The honourable member says, 'No smoking' and in its simplest form that is true. It also brings about another change that I certainly favour, because it forces poker machine users, if they want to have a cigarette, to go to the front bar, or, alternatively, to go outside the venue. That has considerable appeal: anything at all that would break the chain of habit is appealing. In the past, legislation in haste has been demonstrated not to be good legislation.

Mr Lewis interjecting:

The Hon. W.A. MATTHEW: I heard the member say that this is not legislation in haste, and for him it may not have been. He may indeed have had the opportunity for many weeks, many months, to work through this legislation—

Mr Lewis: Three years.

The Hon. W.A. MATTHEW: He claims three years. I am not sure that the honourable member had that amount of time to consider and reflect on the amendment that he has put before us, but I support the principle. I am prepared on record to commend him and his actions in bringing this amendment before us to enable the issue to be debated. I have had a commitment from the Minister for Human Services that this issue, as well as many wider issues relating to smoking, are to be addressed by a bill on which he is presently working. I have put my confidence in the Minister for Human Services and his commitment that he will bring such a bill before the parliament in the short term rather than the long term, and I for one want to hold him to that commitment. I know he has given a similar commitment to other members of parliament.

Therefore, for that reason, on this occasion I will not support the amendments in relation to smoking. I will be speaking to other amendments tonight which I will be

supporting. I will not be supporting the amendment in relation to smoking on the basis that the haste with which it has been drafted means that the ramifications have not been fully thought through and on the basis that the Minister for Human Services is prepared to bring to the parliament a bill with wider ramifications, which I certainly recommend. I commend the member for bringing the amendment before the committee. I believe that in doing so he has stimulated wider debate and indeed wider support. Many members who have spoken to this amendment clearly support it, but will not be voting for it.

Mr Koutsantonis interjecting:

The Hon. W.A. MATTHEW: The member for Peake has indicated that he voted in a particular way on interactive gambling and I did not. I will watch with interest to see how the member for Peake votes on other clauses in this bill because, unless the Labor Party Caucus has had a very sudden last minute change of mind, I think the member for Peake may be very uncomfortably squirming during future parts of the debate in this chamber. I do not think the member for Peake will want to be reminded of that at the time of his vote, but reminded he will now be. If you want to lead with the chin—

Members interjecting:

The CHAIRMAN: Order!

The Hon. W.A. MATTHEW:—how you vote on each clause will be highlighted appropriately within and outside this chamber. I vote consistently, with conscience, on all the motions I vote for within this chamber. I thank God that I have been blessed with a conscience that is much different from that of the member for Peake as, indeed, the rest of this debate will show. As I said, I commend the member for bringing this measure before the House. I will not be supporting it, should the committee seek to divide on the amendment. However, I will support the Minister for Human Services as he brings forward a government bill with far wider-ranging changes to legislation involving smoking.

Mr CLARKE: Since my last contribution on the same subject I have listened with some interest to speakers on both sides of the committee. Strange as it may seem, it falls on me to act the statesperson in this matter. We have a rambling discourse on an amendment moved by the member for Hammond which is basically supported by everyone; in fact, in some respects the only opposition is that it does not go far enough, that is, to ban smoking not just in gaming rooms but throughout all licensed premises. I prefer that course. I am sure that, if a member was prepared to move such an amendment to provide for a ban on cigarette smoking in all licensed premises, that would wipe away that argument. A lot of what has been said in opposition to the member for Hammond's in-principle position on this is really members thinking, 'I didn't think of it first.'

The government has not yet brought in a bill comprehensively banning smoking in public places of entertainment, nor has the opposition. Heaven forbid that we should give credit to the independent member for Hammond and his co-sponsor of this matter in another place, the Hon. Nick Xenophon, to pass sensible legislation. Heaven forbid that we give them credit, because it does not fall within the parameters of the major parties.

That is why we are having this interminable debate, not because we disagree with the fundamental scientific fact that passive smoking causes cancer and that no worker should be exposed one moment longer to contracting cancer when we are in full knowledge of those scientific facts, but we cannot

allow that to happen because it is an independent member of parliament's amendment, sponsored by another independent member in another place. We have to wait for the government of the day of whichever major party is in office to put through a comprehensive bill or for a round table conference. We all know the scientific facts, but we are prepared to allow workers to be exposed to these dangers because it does not suit our political circumstance. That is what we are dealing with.

That is the kernel of the opposition to the member for Hammond and to the Hon. Nick Xenophon. No doubt the member for Hammond will call for a division, and I will cross the floor in accordance with the directions and decision taken by the caucus of the Labor Party. Liberal Party members are equally and, I would say, more transparently hypocritical because they claim to have freedom of conscience on every vote when in fact they just follow their executive or their cabinet on these matters. At least we in the Labor Party when we go to the electorate have the guts to say, 'We are bound by our rules and we will do it as per the majority decision,' and every member of the voting public knows they are the rules of the Labor Party. We are not hypocritical about that.

We are dealing here with the health and safety of workers in the hospitality industry, when we have seen the results of the Supreme Court decision in New South Wales and when there is overwhelming scientific evidence relating to the health of workers in these areas exposed to passive smoking. We shillyshally, we wait for another day and we do not grasp the moment. We will not act on the moment because it does not suit us because it happens to be moved by an Independent, either here or in another place. That brings no credit to this House.

Mr McEWEN: That speech also has brought no credit to this House. That speech has exposed the fundamental flaws in the party political system. That speech was about talking the talk and not walking the walk.

Mr LEWIS: In the first instance I thank the commitment given by the member for Hartley in stating his willingness to support this proposition. He does not have a ripper kit in his political bag and he is no hypocrite, but I cannot say that about too many other people. Nonetheless, I would like to acknowledge the contribution that they have made to the debate and the understanding of what should happen, but what they will not allow to happen, even though if they did vote according to the way in which their electors would have them there would be the numbers here tonight to pass this legislation and to stop the incremental damage that is being done to hundreds, if not thousands, of people every day—the incremental damage that is being done to their health without their consent or approval.

We are prepared to let it go on because we want to see it so packaged in another bag, even though in the first instance the member for Adelaide—who is in fact the Minister for Information Economy—put the first point down in shifting the community attitude and taking it in the right direction in a bill which had nothing to do with health, yet his amendment had everything to do with health, comfort and convenience. As I said, it is an incremental shift that is necessary in these matters and I offered an incremental shift in this amendment. I can see where the attitude is but I, along with the member for Gordon, will be interested to see who walks the walk when the time comes—as it will in the very short run.

I thank, in particular, the member for Peake for his contribution in drawing attention to the adverse reflections

which the member for Bragg made on my motives. The member for Bragg would well remember the way in which I have spoken on this matter every time it has ever been debated in the Liberal party room, and for him to accuse me of political grandstanding is, he knows, an absolute outrage. Can I say to the member for Peake that I did not want to force the member for Bragg into the awkward position of having to withdraw and apologise to me for saying what he had about my motives in bringing the legislation here: that would have meant he would have had to mislead the House twice, so I avoided that.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: On his own admission as I understand it, the member for Bragg did mislead the House. The *Hansard* record shows otherwise. I suppose my sense of outrage has not been sufficient to shift members. As the member for Ross Smith said, the science is there, the consequences are known and the damage is done on an incremental basis daily, yet we sit by and do nothing. Indeed, I remind the House of what I said a little while ago: the approach we are taking is akin pretty much to having a non-urinating section in a public swimming pool. It is just stupid to persist. I invite the House to once again consider the seriousness with which I have put this proposition and the direction in which it will take the community and urge them, member by member, to forget about what their organisation, called their political party, has required them to do and think what their electors would have them do in this vote.

The committee divided on the new clause:

AYES (4)

Condous, S. G.	Lewis, I. P. (teller)
Scalzi, G.	Such, R. B.

NOES (40)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K. (teller)
Brokenshire, R. L.	Buckby, M. R.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Ingerson, G. A.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Venning, I. H.	White, P. L.
Williams, M. R.	Wright, M. J.

Majority of 36 for the noes.

New clause thus negated.

Clause 7 passed.

New clause 7A.

Mr LEWIS: I move:

After clause 7—insert new clause as follows:

Insertion of s. 49A

7A. The following section is inserted after section 49 of the principal act:

Code of practice preventing betting by intoxicated persons

49A. It is a condition of the major betting operations licensee or an on-course totalisator betting licence—

- (a) that the licensee must adopt a code of practice on preventing the acceptance of bets made personally by a person who is intoxicated; and
- (b) that the licensee must ensure that operations under the licence conform with the code of practice approved under this section.

Licensees have a licence to print money with these infernal machines. My amendment is straightforward. It proposes that 'the licensee must adopt a code of practice on preventing the acceptance of bets made personally by a person who is intoxicated'. I am asking for that to be a condition of a major betting operations licence or an on-course totalisator betting licence, and that the licensee must ensure that the operations under the licence conform with the code of practice that is approved under this section.

Now, what I am offering there is for the industry to come up with a code of practice. I am not saying what that has to be, other than that its essential feature should be that if a person is drunk, and known to be drunk by the servant of the licensee, or the licensee themselves, that person should not be allowed to go on betting. If anyone in this place thinks that it is legitimate to take money from a drunk man or woman, I ask them to consider their conscience again. It is a defence in law in other places that a person did not know what he or she was doing when intoxicated. Why can it not be so in this instance: to accept that at the time that a person was making a bet and squandering money, he or she did not know what they were doing; and, indeed, that it ought to be the responsibility of the licensee to stop it rather than continue exploiting such people's incompetence to determine that their behaviour is both irresponsible and stupid because they are drunk.

I therefore await with interest the reasons others in this place will give tonight for opposing such a proposal. They must be heartless indeed, knowing that two things will be a consequence of this: one, that the people themselves in question will ultimately throw themselves at the mercy of a welfare agency because they will have lost all their money in their intoxicated state; secondly, that if they have any dependants they too will become dependent not on them but on a welfare agency—that is you and me as taxpayers. Why should we allow someone with a licence to sell liquor and run gambling on their premises to get another citizen drunk and then strip that person of as much money as possible? Why do we not, if we recognise the stupidity of the current situation and of allowing it to continue, immediately step up and tell the industry, 'Get around a table and develop a code of practice that will enable you to come to terms with your responsibilities in that regard'?

The Hon. M.K. BRINDAL: The government does not propose to support the amendment, because it believes that the amendment is redundant. That is not to say that it opposes the principle espoused by the member for Hammond. I refer him to the fact that the code of practice which has been negotiated between the hotel industry and other participants in the formulation of this legislation will be mandated within the bill. Furthermore, I refer the member for Hammond to this clause, headed 'Playing while intoxicated'. It states:

... this venue does not condone members or customers playing while intoxicated. Members and customers who are clearly intoxicated will be prevented from playing gaming machines and may be lawfully removed from the premises.

I would therefore argue that that covers in entirety the points made in the member for Hammond's projected amendment and, in fact, goes somewhat further: I note here that the projected amendment of the member for Hammond does not

include the lawful removal of intoxicated persons from the premises if that is considered necessary to do so. So, as I have said, the government opposes this amendment, not on the principle that the amendment is wrong but rather on the fact that the government believes that this amendment is properly covered within the legislation and the member for Hammond's wishes are accommodated, albeit using a slightly different mechanism within the law.

The CHAIRMAN: Will the members for Wright and Taylor please take their seats in the chamber.

Mr FOLEY: As I indicated earlier, a number of these amendments have been brought before this House tonight without consultation with the opposition. We reserve the right to consider this as a full caucus and in so doing we will oppose it tonight. As an aside, I have to say that, whilst I understand the point the member is making, it should be acknowledged that it would be very difficult to implement law whereby a licensee must adopt a code of practice to prevent the acceptance of bets made personally by a person who is intoxicated. I would have thought that, whether it is a TAB machine in the front bar of a hotel, it becomes a very subjective assessment by the person behind the bar as to whether or not the patron is intoxicated. Given that it is a hotel, there is a reasonable chance that the person may be intoxicated to a certain degree. I think that the implementation of this piece of law would be extremely difficult and enormously problematic. As I have said, the Labor Party will consider this over the course of the next week or so and formulate a final position in another place.

Mr LEWIS: Well, as I see it, they are wimps all. The minister at the bench clearly has not understood that at present the industry is not required to do anything. The code of practice in the AHA notices, and so on, that was quoted is there, but it is grossly inadequate. It is not enforced and, if you are an employee of the licensee, it is not possible to determine whether or not the person is drunk. The code says 'may be excluded' but I say that so-called code of practice is a wimp's way out for the industry and it is typical of the kind of stuff they come up with.

I would have thought that members would grasp the opportunity to require hoteliers to install a breathalyser, because not only would it be helpful to patrons concerned about whether or not they were sober enough to drive but also, in this instance, it would enable employees to determine, on request, whether someone was regarded as competent to place a bet and, if there was any doubt about it, they could ask them to take a breath test. If they failed the breath test, surely, in all conscience, members in this place can see that they should not be allowed to place a bet. It is not that they will kill someone on the road: they will kill themselves in terms of their livelihood and they will kill off their capacity to support any dependant they may have if, in their drunken state, they squander all the cash at their disposal.

Why is it that the minister and the lead speaker for the Labor Party cannot accept that in today's world such a proposition as they have put is obscene. It is outrageous to get a patron pissed and then rip his money off him and that is what is going on—and they let it go on. The licensee is absolved of any responsibility because he may choose to put up such a notice. Nothing in the law, or the so-called code of practice, requires him to do so.

I ask the minister whether he knows of any instance where someone who is drinking in a hotel and who is intoxicated has been refused the right to place a bet by the licensee or an employee? It has never happened. I ask the minister whether

he knows of any instance where someone who is intoxicated has not only been refused his request to place a bet but, having been refused to place a bet, is invited to leave the premises because he is intoxicated.

The only circumstance in which anyone is ever asked to leave the premises due to intoxication is if they are punch drunks; that is, they get violent when they are intoxicated. They are the only circumstances, and that is not because the publican, the licence holder, is in any way concerned for the intoxicated person's welfare. They are concerned about the safety of their patrons and more concerned about the safety of their own property.

They are worried about the bottom line in the till. That is the reason they kick out people who are intoxicated: not because they are intoxicated but because they are aggressive and because they are socially unacceptable and are frightening away other patrons. I do not accept that the law as it stands, as the minister puts it, is adequate or that the bill in any sense adequately covers the objective that I sought to have incorporated in the legislation. In the proposal that I put here we invite the industry to come up with something that is realistic in the way in which it deals with intoxication.

I point out to members that again, as with the last two measures, if I and the Hon. Nick Xenophon from another place had not decided to put these amendments forward, this debate would not be occurring. Members would not even be thinking about it or bothering to contemplate the consequences of allowing current practices to continue. We now have this highly socially corrosive cocktail of gambling, smoking and alcohol mixed with adrenalin, and that has never been the case. And we have had just over 10 years of that experience.

We only have to talk to any welfare agency, private or public, that is trying to deal with the broken lives, the pieces that are left after that cocktail has its corrosive effect on the people who have exposed themselves to it without the ability to handle it. You only have to talk to those agencies to realise that, unless we call a halt to it and put some responsibility back on the people who are profiting from it, then we as taxpayers, the community at large, will have an enormous bill, and there will also be an escalation in crime as a consequence.

As members of parliament, as a narrower group of people, it is our job with the delegated authority we have, to recognise the symptoms. They are there and they are clear for everybody to see. It is not proper, indeed it is obscene, to allow the law as it stands to continue, whereby the licensee gets a person drunk and then rips him off, and pockets the proceeds for himself with no adverse consequences whatever. That is wrong, surely. How on earth can any of us as lawmakers give those people the licence in the first place and then allow them not only to exploit the people who succumb to the temptation but to exploit the welfare of their dependants in this way?

The Hon. M.K. BRINDAL: The member for Hammond speaks passionately and speaks well, and he exercises his right to freedom of speech in this place. It does not mean that he is necessarily always totally correct. The member for Hammond said that it has never happened. If the member for Hammond is prescient, if he is all-knowing, then we in this House must accept that. I cannot give him that guarantee, because I simply do not know all the circumstances at all times. I am very surprised that the member for Hammond can stand up here and make such sweeping generalisations in this House concerning all publicans, all times and all factors of

intoxication. The member for Hammond does this House and this government a disservice.

Mr Lewis interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: The member for Hammond asserts that this government has not considered this matter. As I explained to the member for Hammond, I assert that this is covered in the code of practice worked out by the industry. I will quote for the member for Hammond the relevant section of the act. The amendment to schedule 1, 24(na) (i) provides that 'the licensee must adopt a code of practice approved by the authority in dealing with. . .'. I have read to the House the details of the code of practice, which include intoxication. Further, (ii) provides: '. . . must ensure that the operations under the gaming machine licence conform with the code of practice approved under this paragraph.' The government, the House, the member for Bragg and others have considered this matter. That we do not accept the form in which the member for Hammond believes it should be dealt with does not mean that the government is wrong or errs or that publicans as a total group are irresponsible and guilty of ripping off their customers.

People in gaming machine venues who are drinking are also subject to section 108 of the Liquor Licensing Act, subsection (1) of which provides that if liquor is sold or supplied on licensed premises to a person who is intoxicated, the licensee, the person responsible for the licensed premises and the person by whom the liquor is sold or supplied are each guilty of an offence with a maximum penalty of \$20 000. For the reasons I have stated, the government has considered the matter and does not agree with the member for Hammond's amendments but will not stand by and be accused either in our name or the opposition's name of wimping out, simply because we do not agree with the current fetish of the member for Hammond.

Mr LEWIS: In response to the minister I say that, if the minister believes that the licensees of those premises—the subject of this amendment—are indeed complying with the wimp's code (as I have called it) and the wimp's way out for the government and the opposition, then I invite him to talk to the agencies when they try to pick up the pieces of the mess which is created when someone drunk spends all the money in their house, and hear about the consequences for their children or other dependants that they may have. I repeat: the only occasions upon which I have ever seen or heard of anyone being removed from a hotel because of their intoxication are in circumstances where the intoxicated person has become angry and violent and threatens the comfort of other patrons and the property of the publican such that there is an effect on the bottom line. Then the antisocial behaviour of the person results in the employees and the publican deciding that they must be removed, and the grounds given are that they are intoxicated.

Indeed they are; but if on the other hand they are placid but stupid drunks and continue to peel off their money until they have none, not spending it so much on liquor as on gambling, the consequences are more horrific for the welfare agencies, for those people themselves and those dependent on them. Yet nowhere in that code of practice is that contemplated. I say to the minister then: be it on his head the first time an intoxicated gambler brings a successful action for several hundred thousand dollars against a licensee, because the day is not far off, Minister. In the Supreme Court somewhere soon, that will be the consequence, and then publicans will have a fairly high public risk insurance

premium to pay, to cover them against their nefarious, greedy practices to profit on the intoxication of other people who are their patrons. Be it on the minister's head that that will happen. Be it on the government and anyone else in this place who is prepared to vote down this amendment by saying that the current law and practice are adequate.

Mr FOLEY: I respect the passion and the personal commitment of the member for Hammond on this issue but, on behalf of the opposition, I am not prepared to allow it to be on the head of the minister. We have to be very careful with the legislation we are debating tonight: it is a very specific piece of legislation designed for harm minimisation. This is not legislation that is about ganging up on hoteliers, beating up on hoteliers and wanting to portray hoteliers in general as being poor contributors to society, because that is a generalised statement and it is wrong to make it. If I was aware of a publican who deliberately allowed a person to get drunk in his or her establishment and who deliberately sat back and watched that person bet all night long, I would be the first person to be highly critical and I would expect the hotels association, the Liquor Licensing Commissioner and, ultimately, parliament to deal with those issues.

It is wrong for us to say that all patrons who frequent a hotel are susceptible to greedy publicans who are ripping off their patrons. I think that my electorate of Port Adelaide has more hotels per head of population than any other electorate. The electorate of Gordon might be close, but I would not think that too many electorates would have the number of hotels that my electorate has. I know many of the publicans, and I declare a conflict of interest because the Labor Party owns a hotel in my electorate. But, none of those publicans, in my assessment, is of the character that the member for Hammond painted here tonight. In the main—except those owned by interests outside the state or by larger corporations (and there are a couple)—they are hotels owned by families, by individuals, by hard working people of the port who have got a few bob together—

The Hon. M.K. Brindal interjecting:

Mr FOLEY:—and gone into a hotel and, as the member for Unley quite rightly says, are thoroughly decent people. The law allows them to have a TAB machine in their bar if they so wish; the law allows them to have gaming machines; and the law allows them to serve liquor. But, the law expects them to do that in a professional and a proper manner and not to exploit the individual. As a parliament, we should not be beating up on hotels in general and painting them as villains in society, because they are not, and we should not allow the message that that is the view of this House to leave this place tonight.

That is not to say that the member for Hammond is not entitled to his view: of course he is. He has every right to have his view, and he is passionate about it and for that I respect him. But, as far as the Labor Party is concerned—and I am sure the majority in this place tonight—we are allowing the hotel industry in our state to grow, to flourish and to provide a community service, and to be able to trade and to trade profitably. We can debate the issues at the margin and we can have our differences of opinion on a lot of issues, but we should not attempt to vilify publicans, because they simply do not deserve it, and that should not be the message we send tonight.

The Hon. G.A. INGERSON: I had the privilege of chairing this committee, and I suppose one of the things that was very important was to get all parties to come up with a consensus of how to genuinely help those who are falling

through the cracks, how to genuinely put in place, by law, a harm minimisation program and how to genuinely enable the industry—which we as politicians have allowed in this state—to continue to flourish, as the member for Hart said.

It is quite incorrect for the member for Hammond to say that this issue has not been discussed and that it is not part of this bill. The industry and the welfare agencies came together and argued before me, as chairman (and consequently it involved this piece of legislation), that we should have codes of practice that are upheld by the law. Those agencies agreed that the current codes of practice that had been developed by the heads of churches, in conjunction with the industry, should be sent to the Independent Gambling Authority (which, in fact, the act establishes) and brought into a stronger and more practical working position.

There was an acceptance of this, and the bill notes that the starting point for the codes of practice is that which already exists, and that the Independent Gambling Authority, working with the industry and the welfare agencies, will toughen that up and then bring that code of practice back, via regulation, to this parliament for it to then decide whether it believes it is tough enough. As a result of the consultation and agreement between the representatives of the heads of churches on the committee and the representatives of the industry, we introduced a very strict code of practice, which picks up the very issue that the member for Hammond believes ought to be picked up.

To say that the current law does not pick it up is quite correct, but the reason we are debating this bill today is to remedy that situation—to recognise, for the first time in law in this state, that we should genuinely put in place harm minimisation practices as they relate to the gambling industry. This bill covers the whole industry. The bill picks up not only gaming machines but also the TAB, the casino and the lotteries. It is a deliberate attempt, for the first time in the history of this state, to set such a measure in place, with the support of the welfare groups and, in fact, the Heads of Churches Gambling Committee. Those groups do not believe that it is going far enough and, on the other side, the industry believes that it is too tough. The reality is that we have been able to convince both parties to move a long way down the track. I know that the member for Hammond would like to wipe out the whole industry because that has been consistently his position.

Mr Lewis interjecting:

The Hon. G.A. INGERSON: That is not quite fair. The honourable member's position is consistent in terms of gaming machines. It is fair to say that he has not supported gaming machines at any time, and I respect that. We all have that opportunity as a conscience vote. However, I would have thought it was a pretty significant move for this parliament to say that we ought to put in place harm minimisation programs for those few people who fall through the cracks. Let us talk about that, too, to get it into its right perspective. The Productivity Commission has been heralded by many experts nationally and overseas as the best piece of research that has ever been done on this industry.

The commission said that 95 per cent of people who gamble, whether on the TAB, lotteries or gaming machines, have no problems whatsoever—9½ out of every 10 people. We have recognised that we ought to do something about the five out of 10 people who do fall through the cracks. It is the first time in Australia that any harm minimisation programs have been put in place. This bill states that the Independent Gambling Authority must take into consideration harm

minimisation programs, something that has never been done before.

I would like now to pick up the comments of the member for Hart. I am sick and tired of listening in this place to the bigots who do nothing else but criticise people who are practising law that this place sets up. If those who are opposed to hotels, gaming, racing and so on, do not want it, they should move in this place to get rid of the Racing Act, the lotteries, the TAB and the casino. They should not stand up here like holy moles and say, 'I am the only one who knows what is going on in this place, and I am the only one who really understands what the problems are in the community.'

I said in the party room, when these poker machines were introduced, that we ought to put aside 2 per cent of all the gambling money to go into a pool to look after those who fell through the crack (and the member for Hammond was in the party room at the time). It did not happen, because a whole range of people did not want it to happen, and today we have to put in place something for harm minimisation, which is what we should have done when this measure was introduced. The member for Hammond knows that I stood up in the party room and said it, and it was wiped out, because—

Mr Lewis: Not by me it wasn't.

The Hon. G.A. INGERSON: No, but it was wiped out in the party room by a Treasurer, a Premier and a few other people, because they did not want to commit to the 2 per cent. Today we will have to put in a hell of a lot more than 2 per cent.

An honourable member interjecting:

The Hon. G.A. INGERSON: It was the Premier of the day. The whole party room wanted to do that. The member for Hammond knows full well that that was the situation. It is very easy to stand up in this place now, as an Independent, and say, 'I know what the answers are. I know what they all are, and I am quite happy to get out there and grandstand.' And I support him for grandstanding. But it is very bloody easy to do that when you do not have to stand up and bring in any legislation and try to make it work. What we have to do (and the member for Hammond knows this better than anyone else)—and the only way that things work in this place and in the community—is to get individuals to work together in the community to make it happen. This is the first time in the history of this state, that I know of, where the gaming industry has sat down with the heads of churches, independent of government, and sorted all this out, before this review committee was set up.

The industry we have out there is as good as this parliament. If we believe that there is a mob of crooks out there—and I do not believe that there is—we ought to be doing something about it. In fact, every entity I know in this industry—whether it is the racing industry, the TAB or the lotteries—is being run under the rules set down by this parliament. It is about time we recognised that those people out there are no different from ordinary businessmen in every other area carrying out their business according to law. If we want to change that, let us change it. But members should not grizzle about it in this place, under privilege, when we ought to be getting out and trying to make some change.

This bill is about harm minimisation: it is a very significant move forward, with the support of the industry. This clause, which was moved by the member for Hammond, is in fact in the code of practice, and will be picked up by the negotiation between the independent gambling authority and

the industry, and it will be strengthened, as the bill says it should be.

Mr McEWEN: I think that most of the people who have contributed to this debate so far have not even bothered to read the amendment. Certainly, the minister and the member for Hart were not referring to betting operations licensees: they were referring to liquor licensees. This refers to an entirely different group of people, those responsible, as I read it, for the betting licence, not the liquor licence. There are a number of operations—

The Hon. G.A. Ingerson interjecting:

Mr McEWEN: It is not the same thing at all.

The Hon. G.A. Ingerson interjecting:

Mr McEWEN: They are not the same people either, to correct the member who interjects. There are a number of betting operations where there is no liquor in sight. No alcohol is served; it is not a hotel or a bar. There are plenty of opportunities to bet away from a place that serves liquor, so we could end up with an intoxicated person attempting to bet in a licensed betting premise and not a licensed liquor premise. They have missed the point.

Mr Foley interjecting:

Mr McEWEN: The point is that this amendment states that—

Mr Foley: So what is your point?

Mr McEWEN: The point is that the member for Hart missed the point completely because he wanted to talk about liquor licensees, not betting operations licensees. I take the point from the member for Bragg, who said in part that there is another way to address this issue, and that is through the code of practice. At least he acknowledged in part that this is nothing to do with the liquor licensee, rather it concerns the betting operations licensee, but it can be captured in a code of practice and we can say that that is equally as good as the amendment. The rest of you are not even talking about the licensee that is in the amendment.

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

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

Motion carried.

Mr KOUTSANTONIS: I find again the member for Bragg to be a little bit rich when he says to a member of parliament that he cannot whinge, whine or say what he wants under privilege because he has not done anything about an issue. The member for Hammond is doing something about it. He is a member of parliament. He has been elected here and he is given privilege to raise these matters. What else is the role of a member of parliament? I am a bit perplexed by the member for Bragg's attitude as to what is the role of a member of parliament. Is it to toe the line all the time? I do not think it is. The member for Hammond does not think so, and he has been punished for those views many times.

It is beyond me. The member for Bragg seems to think that, unless we do something every day, we cannot complain about it in this place. I have constituents come into my office every day complaining about certain things but I do not stand up in this place and move private members' bills about everything. I work within the system. The member for Hammond has this course of action open to him and he has taken it.

About drinking and intoxication, there are certain points at which licensed premises stop people from drinking, and one is when they are intoxicated. Every licensed bar has a sign above the establishment that says that it is an offence to sell alcohol to an intoxicated patron, but we say it is okay to let an intoxicated person gamble. Eventually there will be a change to this, as well, and we will apply the same standards to people who gamble as we do to those who drive.

We do not allow people who are intoxicated to drive because they may harm not only themselves but also others. The only reason that we are not supporting this amendment now is because we want greater consultation with the trade union movement and with people who are involved in the industry. In principle, I support what the member for Hammond has said and I think that he is doing a good job in putting that idea forward.

If someone in a nightclub who is having a good time with friends and having a few drinks becomes intoxicated, we stop that person from drinking because we feel that they have lost control of what they are doing but, when they are gambling, we say it is okay to let them drink as much as they like. That does not work and that will change eventually. I am not supporting this amendment today because I believe a holistic approach will be brought before the parliament later. Hopefully, I will be here, others will not, but we will discuss that when it is brought back by the minister probably after the election.

Mr CONDOUS: What a wonderful quality vision is in life. Vision has enabled this House to do some tremendous things for the state of South Australia. If we had had the vision some eight years ago, when the decision was made for the introduction of poker machines into South Australia, to see what it would inflict on our community, I am sure that we would not have made the decision that places us in this predicament tonight of having to make decisions to try to alleviate the problems from which members of the community are suffering.

The member for Bragg says that 95 per cent of people, irrespective of what form of gambling they indulge in, are not affected by gambling. I beg to differ. The reason I beg to differ is that, although they may be in control in that they are able to limit their spending to \$20, \$30, \$40 or \$50 a week, which does not really affect them financially, that money could have been spent on more meaningful things for members of their family than simply going into a hotel and pumping money into a machine. Not only do we give the hotels the ability to refuse to serve an intoxicated person but we also demand that, if someone is intoxicated, they are refused the right to any more drink. The hotel proprietor is given the powers and the law insists that he refuse to supply any further liquor to that person.

We stop people from driving under the influence of alcohol because they are unable to make the same responsible determinations that they would have made had they not been drinking at all. Yet tonight we are saying, 'Why should we stop you from gambling when you are intoxicated?' Only a few weeks ago we read in the media about someone taking the Adelaide casino to court because he was allowed to continue gambling while intoxicated. The decision in that case may be the very one to alter many politicians' opinions. A bookmaker does not refuse to take a bet from you because you are under the influence of alcohol. As long as you can tell him what horse you want to back, how much you want to bet and whether it is each way or straight out, he will accept the bet from you.

I believe that what the member for Hart said is right; that is, most publicans today are responsible people. However, let us face the fact that no other industry that I can remember in my lifetime has had the windfall that this parliament gave hotels when it gave them the ability to generate income by allowing them to introduce poker machines. In the latest Australian figures, Western Australia is sitting dead last in terms of the amount of money put into poker machines anywhere in Australia, the reason being that they are in one location only and that is where you have to go.

Let us look at the reality of it. The decision made by this parliament eight years ago has resulted in \$11 million every week being spent on poker machines, money that could have been redirected into spending on worthwhile items such as food, clothing, education and other responsible things that parents could have given their families. That money is now going into chrome machines which ring bells and attract, in my opinion, people who must have very little meaning in their lives.

Since poker machines have been introduced into South Australia, I have put \$3 into them, and I did that at the Adelaide casino. I was \$10 in front, but I continued to play knowing that eventually I would lose the lot. I walked away after about 15 minutes and thought, 'You'd have to be a dead-set moron to sit in front of a machine like that and feed money into it.' That is not what entertainment is about. I can find 40 or 50 other things to do in life rather than pump money into a chrome machine. That is a sad reflection. We should support this provision, because if you are intoxicated by liquor your ability to make sensible financial decisions when gambling is affected. The same argument applies in relation to getting behind the steering wheel of a car to drive home when you are over the .05 blood alcohol limit.

The member for Hammond is really wasting his time, except that he is putting his position in *Hansard* in black and white. I do not believe that he will win one of his amendments. Tonight the opportunity has slipped by where we could have introduced non-smoking in these rooms. That would have gone some way towards solving the problem of people having to take a break, because they would periodically have to take a break when they went outside to have a cigarette. Let us face it, one of the great things this present government has done—and it would be acknowledged even by the smokers—is that it brought in non-smoking in eating areas. That was one of the great decisions, and it has now been followed by Victoria. I believe it will be followed by the rest of Australia.

Mr LEWIS: I thank the member for Colton for those remarks. I know the truth of the second to last point he made. I do not think that I have high hopes. I remember the words of that song, 'The ant and the rubber tree plant, the ram and the dam, sooner or later, something's got to give.' From day one in this debate, I have said that the provisions I have proposed in this list of amendments ought to have been incorporated in the legislation originally, and sooner rather than later I believe they will be. Prior to my coming into this place I witnessed first-hand what was happening in other parts of the world, and what I saw was this kind of amoral—not immoral—conduct that results in human misery and in no small measure contributes to suicide and in another part contributes to an escalation in crime. It is altogether corrosive of social cohesion, because it destroys a greater number of families than would otherwise have happened, and it destroys peoples' self-esteem when they have to face the reality that what they did was put their hard-earned effort in the form of

money into a goddamn machine where the statistical probability always was that they would never win.

The statistical probability is that at present 87.5 per cent is the maximum over time that they can expect to get back out of everything they put in. That is the winning margin. So they will always be losing if they pursue the illusive big win. We see the publicity that is given to this month after month by the tabloid newspapers, and we hear the tales of woe recounted on late night talkback radio by the folk who have been so adversely affected by it that as legislators we must act. If we are not going to do it tonight, then at least I have provided the opportunity by which members of this place, with their properly delegated authority from the wider community, have had to confront the problem that is there.

No-one who has a lot of money is advocating it, but more than half the people are advocating it, and the number is growing rapidly. The sooner we wake up, the greater will be the measure of respect the public gives us; and tonight, notwithstanding the fact that the rubber tree plant will not get pulled up and the dam will not get broken, I will still call 'Divide'.

The committee divided on the new clause:

AYES (6)

Condous, S. G.	Lewis, I. P. (teller)
Matthew, W. A.	McEwen, R. J.
Scalzi, G.	Such, R. B.

NOES (37)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Evans, I. F.
Foley, K. O.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Ingerson, G. A.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Maywald, K. A.	Meier, E. J.
Olsen, J. W. (teller)	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Venning, I. H.
White, P. L.	t.) Williams, M. R.
Wright, M. J.	

Majority of 31 for the noes.

New clause thus negatived.

New clause 7B.

Mr LEWIS: I move:

Insertion of s.50A

7B. The following section is inserted after section 50 of the principal Act:

Commissioner's power to bar

50A.(1) The Commissioner may, by written order, bar a person (the excluded person) from one or more of the following:

- (a) entering or remaining in a specified office or branch staffed and managed by the holder of the major betting operations licence;
- (b) making bets at a specified agency of the holder of the major betting operations licence;
- (c) making bets by telephone or other electronic means not requiring attendance at an office, branch or agency of the holder of the major betting operations licence.

(2) The Commissioner may make an order under this section—

(a) on the application of the person against whom the order is to be made; or

(b) on the application of a dependant or other person who appears to have a legitimate interest in the welfare of the person against whom the order is to be made; or

(c) on review of an order made by the holder of the major betting operations licence barring the person against whom the order is to be made; or

(d) on the Commissioner's own initiative.

(3) The order must—

(a) state the grounds on which the order is made; and

(b) set out the rights of the excluded person to have the order reviewed; and

(c) must be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.

(4) An order may be made under this section on any reasonable ground and, in particular, on the ground that the excluded person is placing his or her own welfare, or the welfare of dependants, at risk through gambling.

(5) An excluded person who contravenes an order under this section is guilty of an offence.

Maximum penalty: \$2 500.

(6) The Commissioner may at any time revoke an order under this section.

(7) The Commissioner must retain copies of all orders made under this section.

A further new clause is necessary, first, to give increased powers to ban problem gamblers from TABs, racecourses and so on, as provided for in proposed new section 50A(1). Secondly, proposed new section 50A(2) allows for people who are third parties, who have an interest in the welfare of problem gamblers and their dependants, to also seek to have those problem gamblers banned. The current law is inadequate. It is legitimate, if every week a mother is taking the housekeeping money down to the pub as soon as the money comes into her hands, in the form of it being credited to the housekeeping credit card account, given to her as cash or in any other way, and if the mother or father has a problem—if anyone upon whom someone else is dependent has a problem—then that person ought to be able to seek to have that problem gambler banned from going onto those premises. Why is that not a sensible suggestion? It is simply not fair to the kids or to the spouse for the hard earned funds necessary to sustain the home to be taken to premises in which it is lawful to gamble and completely squandered without that third party being able to take an action that prevents it from happening, because the problem gambler is like the problem drinker: they do not know they have a problem when it first hits them, until they are down and out. They are like the problem heroin user, the addict: they are no different. They are equally addicted. Just because they have not admitted that they have a problem does not mean that it does not exist, and just because they have not admitted and sought treatment for the problem to overcome the problem does not mean that the victims are not real. The victims are real.

The women who fought for the right to vote and the right to be elected were as concerned about this question as almost all other questions when they sought the vote and the right to be members of parliament: when they sought to be human beings to the fullest extent of the law. I will not go back over that argument of 100 years ago and I am not a prohibitionist, I am simply saying that it is improper for us as legislators to know that there is a social problem that arises out of problem gambling and yet turn our backs on it when we have the means to make the law which could stop that problem from being so devastating to so many.

To amend the law in this way not only gives the prerogative to the individual who has a gambling problem to remove themselves and require a licensed premises operator to prevent them from gambling but also provides the affected third party (the innocent victim) with the right to have that action taken to protect them from the ravages of the addiction. We may all be comfortable, but imagine what it would be like to go home to a spouse who has squandered everything and then not only to have to face the spouse and plead with them to try to discover why, whilst knowing the truth all the time, but more particularly to face the other dependents in the household, the kids, and try to explain to them why you cannot feed them and there is no money to pay the school fees or whatever it is they need money for during the next week, because your husband or wife has taken the money and lost the ruddy lot through gambling—it does not matter in what form.

The law needs to be changed now. It has become too prevalent and it has been reflected to me (and others who want to make inquiries) by those people who have charity in their heart and the commitment to collect from other people who are charitably minded to provide for the innocent victims and to try to pick up the pieces of the broken lives after those lives and the people living them acknowledge that they have a problem. They will tell you that it has become exponentially greater since the introduction of poker machines, and they will tell you about all the reasons that we have been debating tonight.

I do not know what more I can say to get members to understand the sincerity with which I put my case before them tonight. I plead with them on behalf of the innocent victims of those people who are related to and dependent on problem gamblers in some way or other, perhaps in more ways than one. I do not want to unduly delay the committee, but I do not apologise for presenting these arguments in this way tonight. If members do not understand it now, I trust that the media in this state at least will draw attention to the fact that, for once, we have debated the matter now that the problem has been identified and quantified, and that this is a solution. Anything less than this denies the right of the third party who is injured and stripped of their means of exercising responsibility to try to fix the problem and keep their marriage, relationship and home together. Their only solution in law, at the present time, is to dissolve the marriage and wreck everything that has been put together, when that may not really have been necessary if we, as legislators, had provided the means by which the third parties and/or the gamblers themselves could have taken the steps that will be facilitated by the passage of this amendment.

The Hon. J.W. OLSEN: I understand the arguments that have been put forward by the member for Hammond. This is a new provision that has been put on the *Notice Paper* today and I have not had an opportunity to have a close look at it or to search for any implications contained in it. I will, however, give a commitment to the member for Hammond that we will look closely at this in its passage from this House to the Council. There might well be a capacity for us to support this measure if we see that there are no unintended consequences that flow to other areas that we are not aware of, not having had an opportunity to go through it because of the late notice of the amendment. I give a commitment that it will be seriously looked at between this House and another place, but from the government's perspective, it would not be supporting it at the moment because I have not had a chance to assess it in detail. That is not to say that it might not

have merit and that it ought not to be supported at the end of the day. We will look at this objectively.

The committee divided on the new clause:

AYES (2)

Lewis, I. P. (teller) Such, R. B.

NOES (41)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	De Laine, M. R.
Evans, I. F.	Foley, K. O.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W. (teller)
Oswald, J. K. G.	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Venning, I. H.
White, P. L.	
Williams, M. R.	
Wright, M. J.	

Majority of 39 for the noes.

New clause thus negated.

Clause 8 passed.

New clause 8A.

Mr LEWIS: This is a consequential provision upon which we have already had debate and it is not my intention to press the committee.

Clauses 9 to 11 passed.

Clause 12.

Mr LEWIS: I move:

Page 6, line 19—Leave out '87.5' and insert:
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What I propose with this amendment is very simple. Most of the argument advanced in favour of poker machines has been that they are a form of entertainment. That is particularly the case put by the Hotels Association in the public domain. In fact, it says that poker machines and other electronic gambling devices installed in licensed premises in South Australia attract people to spend their holidays in South Australia. One of the things they seek to do is play the machines. In addition to those reasons, the Hotels Association says, we are therefore providing a form of entertainment, so I now offer the House and the Hotels Association the means by which they can indeed provide entertainment, that is, by requiring not just an 87.5 per cent payout of what is wagered across time but a 95 per cent payout. The point I make in supporting this proposition is not that the hotels will go broke but that it will take everybody who plays the machines longer to lose their money.

They will still lose as much but, because the payout rate rises from 87.5 to 95 per cent, along the way they will have more payouts. It is also my belief that we should reduce the number of small payouts and make the payouts that do occur bigger. That would reduce the number of win events, which stimulate higher production levels of adrenalin and predispose greater numbers of people to become problem gamblers.

However, this is about increasing the percentage, increasing the value that you get for your dollar. It will take you a bit longer to lose it all. Indeed, it is 7.5 as a proportion of 87.5, which is an increase of one-thirteenth. It increases the amount of time you can play with the same amount of money, before you run out, by one minute in 13, on average. I am satisfied that my mental arithmetic is correct in that respect. Of course, it makes the entertainment aspect more attractive, but it does not make it more likely that more people will become addicted to gambling.

I have checked that with a couple of my mates and one of my nephews, who are biometricians, mathematicians and sociologists who are expert in the application of quantitative methods of determining human behaviour outcomes. Having made that point, I invite any honourable member to argue against it. The ridiculous argument that, on the surface of it, could be advanced is that the hotels will go broke, but that quite simply is crap.

It is well known—and members in this place in the course of their remarks acknowledge it by inference in the way in which they say it—that the majority of people who use poker machines for their entertainment say that they will go there and play these light-flashing, jingle-playing, not even one-armed bandits until they have lost \$20 or \$30, saying that it is fun to do. Well, okay, I am now offering to give them an additional minute in 13—more fun. The thought that they are getting 95 per cent back in a pay-out across time might make them think it is fairer. South Australia will be able to advertise the fact that its poker machines have a minimum pay-out rate of 95 per cent of what is wagered through them, whereas all other states at this point are much less than 95 per cent: they are no higher than 87.5 per cent, hence my reason for suggesting that we lift it.

The Hon. J.W. OLSEN: At the moment it is 85 per cent and it is increasing to 87.5 per cent, as the member for Hammond rightly stated. As I indicated earlier, this is a negotiated position and in good faith we will maintain that presentation.

Amendment negatived; clause passed.

Clause 13 passed.

Clause 14.

Mr LEWIS: These are the same sorts of provisions as we have already debated. They provide that the licensee must adopt the code of practice on preventing gambling by a person who is intoxicated and the licensee must ensure that operations under the licence conform with the code of practice approved under the section. We have had that debate and divided on the question, and I will not delay the committee. I accept the decision that has been made, although I do not accept the logic of it, nor do I accept what I regard as the unfortunate consequences that flow from that decision as being inevitable. I will continue to work, but I will not divide on this clause.

Clause passed.

Clause 15 passed.

New clause 15A.

Mr LEWIS: I move:

After clause 15—Insert new clause as follows:

Amendment of s.42—Gambling on credit prohibited

15A. Section 42 of the principal act is amended by inserting in subsection (1) after paragraph (b) the following paragraph:

- (ba) allow a person to use a credit card or charge card for the purpose of paying for gambling or in circumstances where the licensee could reasonably be expected to know that the use of the card is for that purpose; or

This is a most important measure: it addresses the problem of gambling on credit and sets out to prevent it. At present, there are loopholes in the existing law. This closes those loopholes. I draw attention in this instance to the practice where, if you go to premises where there is no EFTPOS machine, the cunning sods say, 'Well, if you pay \$50 for a hot dog we will give you \$49 in coin to play on the pokies.' I have been in premises where that is literally what goes on. I think that is quite wrong, because the hot dog is paid for with a credit card and the commercial transaction is a \$50 hot dog, but the pay-back is \$49 in cash as an incentive to buy the hot dog. I think that is a crook practice. Quite obviously, if the person does not have the money and has not thought through the consequences of doing this kind of thing and prepared themselves to play the machines by bringing with them sufficient change as they know they can spare, they ought not to be able to do one of two things.

In the first instance, they ought not to be able to get change to play the infernal machine because acting on impulse is the worst thing you can do if you are contemplating gambling. The second thing is, after having run out of the money which they could afford to spend and which they budgeted for and brought with them and lost, they then decide to buy the nominal hot dog for \$50 and get the \$49 with which to go on and play. This practice, in my judgment, needs to be banned in law to stop those who cannot control themselves wasting money that quite clearly should be used for other purposes—probably for the benefit and the interests of other people such as their children or their spouse who will suffer as a consequence of the problem gambler's impulsive behaviour.

The Hon. J.W. OLSEN: Once again, this is an amendment that has, as I understand it, been brought on at relatively short notice. I have some sympathy for the intent of the amendment. I have just sought some advice and there is one related issue that we would like to check to make sure there is not an unintended consequence of the amendment—such as with the previous amendment that I moved which is the commissioner's power to bar. It may be, as with that amendment, that we will be able to support this after I have the time to check out one aspect. I therefore indicate to the member for Hammond that, as with the previous commissioner's power to bar amendment, we will give serious consideration, in the passage between here and another place, to incorporating this measure.

Mr LEWIS: I will take the Premier at his word on this matter and I shall not force a division on it. It is clear to me, from the remark he has just made, that he has understood it and, from the expression on the faces of some of the members of the chamber, it is clear that they, too, understand what we seek to do here. I again draw attention to the fact that much of this work has been done jointly, and a considerable effort has been made by the Hon. Nick Xenophon, from the other place, in clearly understanding matters which were overlooked by the committee, which were not drawn to its attention by representatives of the welfare agencies because they had not become aware of the root causes of some of the facilities which cause problem gamblers to develop from being pre-disposed gamblers to being problem gamblers.

This is one of the ways in which the industry itself has sought to get around the existing law, and I think that is nefarious and must be stopped before it becomes rife. I urge the Premier on that basis. It is trickery on their part. They know damn well that they ought not to be doing it and this sort of payback change from a grossly over-priced meal is not

the way in which parliament ever intended that cash could be provided to people to play the machines. So, I will take the Premier at his word and trust that the government understands what we seek to do here.

New clause negatived.

Clause 16.

Mr LEWIS: I move:

Page 8, after line 3—Insert proposed section as follows:

Prohibition of interactive gambling operations

42AA.(1) It is a condition of the casino licence that the licensee must not conduct interactive gambling operations under the licence involving gambling by persons within South Australia.

(2) In this section—

‘interactive gambling operations’ means operations involving gambling by persons not present at the casino where the gambling is by means of internet communications.

This clause is straightforward enough. In other words, in moving this proposition, I do not believe that the South Australian casino should be allowed to go online. At present it can; the law does not preclude it from doing so. We never intended that it should be able to offer online gambling services when we first gave a licence to it. Indeed, in 1980 the internet was still very much the possession of NASA, and it had been taken into the public domain only a year or two before that. Now, of course, with faster computers and bigger capacity in those computers, and more sophisticated telecommunications technology, the internet is everywhere and I do not think that the casino ought to be allowed to expand.

Indeed, I am opposed to people in South Australia being able to play games of chance on the internet because it is too risky in tempting children to become involved, as I have explained in debate at other times, and too tempting for people who steal credit cards to get involved in that sort of operation. They steal the identity of someone else and gamble on their money—on their credit. But in this particular case, I urge the committee to support the proposal to amend clause 16 in the first instance to include the proposed section about that. I seek your guidance, sir, on whether or not I must also go on and debate the other amendments immediately on clause 16, which exclude the use of banknotes, or can I take that as a separate question? I would prefer to take it as a separate question.

The ACTING CHAIRMAN (Mr Williams): The question before the chair is clause 16, page 8, after line 3, to insert a new section 42AA.

Mr LEWIS: Mr Acting Chairman, may I have your ruling? Do we take the first part about the casino as a separate question from the subsequent bits?

The CHAIRMAN: Yes.

The committee divided on the proposed section:

AYES (5)

De Laine, M. R.	Koutsantonis, T.
Lewis, I. P. (teller)	Scalzi, G.
Snelling, J. J.	

NOES (35)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Ingerson, G. A.
Kerin, R. G.	Key, S. W.

NOES (cont.)

Kotz, D. C.	Matthew, W. A.
Meier, E. J.	Olsen, J. W. (teller)
Oswald, J. K. G.	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Stevens, L.	Venning, I. H.
White, P. L.	Williams, M. R.
Wright, M. J.	

Majority of 30 for the noes.

Proposed section thus negatived.

Mr LEWIS: I move:

Page 8, line 22—Leave out ‘by inserting a banknote’ and insert: ‘by means other than the insertion of a coin’.

This is a most important amendment. The measure suggests that we can simply stop licence holders from installing machines that use banknotes rather than coins by banning the use of banknotes, but that does not go far enough. What we should say is that people must use coins, because using banknotes does not preclude the possibility of using credit cards, whether they are credit cards literally or credit cards like the phone cards that are sold in delicatessens and so on. In that way, gambling premises could sell to their patrons cards that have a credit of \$200 or \$300 on them, so a person goes along and puts it in a machine of their choice until it runs out and there is not the same sobering sense of loss which people have to experience if they literally take the dollar coins or the 20¢ pieces or whatever they use in these machines and put them down the slot.

I am sure that the intention of the legislation before us, not my amendment, is to stop the practice of using banknotes and similar large denomination pieces of currency. However, it does not succeed in the way in which I believe it would intend because it would allow the purchase of these phone card type credit cards by the use of a credit card. A person could take those cards along and slide them into the machine, have it register the credits and gamble them so that one never sees the enormous amount of money that is lost. That is what we always intended when we required, in the first instance when we licensed the casino, that people have to put down the real money and also what we required when, as a parliament, we gave poker machine licences to whoever wanted them in licensed premises. We insisted that it be by coin and not by this device of credit cards or by the use of banknotes.

I urge all members, in all conscience—surely you cannot vote against that. It is what was intended but not what is really possible or what can happen if it is not already happening. It is not against the law at present to use the kind of devices, the cards that I have referred to, and I think that we should ban the practice now before it happens.

Mr CLARKE: I may have pre-empted the Premier, but I ask him with respect to section 42B, which the member for Hammond is seeking to amend, whether the honourable member has exposed a weakness in the legislation. It was my understanding that the measure was to prevent people putting in a \$100 note, for example, and losing their money. All members present would probably likewise have a similar view with respect to the use of a card that would have a similar denomination of \$100 or thereabouts. I am interested to know what the government’s response is to the member for Hammond’s amendment and, in particular, whether or not the Premier believes that the government’s legislation falls short in that regard.

The Hon. J.W. OLSEN: What the government proposed to do was to eliminate the ability for large denomination notes being freely cashed within a gaming venue in an endeavour to restrict easy access to cash for problem gamblers. As I understand it, the committee that prepared the raft of amendments in consultation—and certainly credit cards would not be going into this machine—wanted to know whether, at some stage in the future, there would be a smart card, for example, whereby someone might want to have a \$20 limit, a \$50 limit, or whatever, and they use the smart card to get the cash that they will use as a maximum amount of expenditure in a gaming venue. We wanted the Independent Gambling Authority to look at that to see where technology was going and whether or not further amendments would be required subsequently. Simply, the first objective was to preclude easy cash, that is bank bills, notes, simply being churned through a dispensing machine.

Mr CLARKE: From the Premier's answer it would appear then that, if this legislation as contained in new section 42B comes into law, there would be nothing to stop the casino in this case and other operators of poker machines elsewhere saying, 'Okay, we cannot take bank notes of up to \$100 denominations, but we can put into a machine a slot card, so to speak, a smart card, which can have \$100, \$200, or whatever denomination.' That would be perfectly lawful, and therefore it would only be subject to being revisited by parliament at some time in the future as to whether or not we should also close what would seem to be a loophole.

I might say, when I was in Melbourne last week for the Centennial of Federation celebrations, I went to the Crown casino. I think I have been there only once before. I went to look at the poker machines and I noticed that on 1¢ and 2¢ machines they had facilities to take up to \$100 note denominations. It seems to me that, if you are playing 1¢ or 2¢ machines, you are not in a position to afford to spend \$100 for the thrill. We could close that loophole by what the government is proposing, but five minutes later someone could come up with a machine that accepts a smart card with a \$100, \$200 or \$300 limit, and the very evil we are seeking to close remains open unless and until such time as the government of the day brings in legislation to close that loophole.

What I am saying is that, if we are going to this extent of preventing this particular evil—as I would term it of people being able to use a bank note of up to \$100 denominations—what is the fundamental objection to going that one step further and ensuring that people cannot use smart cards or credit cards? Then, if there is an injustice done, if you like, playing on the safe side, parliament can always revisit it to liberalise it, if it is deemed necessary, but not to cure an evil perhaps months or years after the event.

The Hon. J.W. OLSEN: In relation to the credit card, the member for Hammond proposed an amendment. I have indicated in relation to credit cards that I need to check that there are not some unintended consequences, but I think the argument on credit cards has merit and I have given a commitment to the member for Hammond between now and the passage of legislation in another place that that issue will be seriously looked at. Therefore, the credit card component in the question from the member for Ross Smith, in my view, is being handled during the passage of the legislation.

As it relates to smart card, there are some who have put the view that, if you can buy a smart card for \$20 or \$50 that is a self-regulation for someone who is a problem gambler trying to restrict their gambling habit, so they only go with

a \$20 or \$50 card and that is all they access. That is the converse argument that the honourable member is putting to me. I am told that there are not machines taking smart cards for the disbursement of cash in these venues at the moment, so it is not a current issue. It might well be a current issue, and that is where the member for Hammond is saying, 'It might be down the track.'

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, but there are two sides to the argument. There are some who argue that, if you are a problem gambler and purchase a \$20 smart card and take only the smart card with you, there is a restriction on you. So, if you like, you give them a tool to self discipline in a way. Some are arguing that we ought to have that technology because that can let someone self discipline, whereas there is the other argument that, if you have a smart card system, you will buy dozens of smart cards and put them through the system. But that it is not an issue because smart cards cannot be used at the moment for obtaining cash for the purposes of the gaming venues.

Because of the pro and con arguments that we have discussed in the chamber, I understood that it was to be recommended that the issue be referred to the Independent Gambling Authority and for it to report back on that, as it will in relation to a number of measures. I indicated a fortnight ago one other measure, in relation to which I notice that some people have taken public issue with me, and in some correspondence with me. It is in relation to the number of poker machines. There are those issues that ought to be looked at in this additional two-year freeze that we have on the number of machines.

Mr HANNA: I must admit that I cannot see that much turns on this argument. My statements in this place and outside this place have focused on two issues, and each clause in this bill comes back to those two issues. One is the fact that there is this gross transfer of wealth from those who can ill afford it to a very few people who are doing very well out of it by means of an addictive mechanism, addictive because of the nature of the gambling machines and the environment within which they are situated. The other aspect to the whole debate is the psychological impact of the machines themselves. That is a related issue, the fact that they have this addictive nature. I am not against gambling as such, I confess. It is the poker machines themselves and the way they are operated in venues and the environments set up within venues that give me problems with the whole thing.

When it comes to the member for Hammond's proposal it seems that we are just talking about whether or not you can put coins, banknotes or some kind of a smart card—which is yet to be developed—into a machine. I cannot really see the difference between putting a banknote of \$100 into a machine to get a number of credits on a machine or putting a smart card to the value of \$100 into a machine. I cannot really see the point. Even if you stop both those things happening in relation to the machine, you can still go to the counter five metres away and with a \$100 note get a bucketful of coins and play the machine with that. I just cannot see the point of the amendment. However, if the amendment has any merit at all in the eyes of the government, then I cannot see why you would allow smart cards in the alternative. It seems to me that the smart card is only as meritorious as having a \$100 note. You either stop both of those things or allow both of those things.

Mr LEWIS: I guess what I will have to do is point out to the committee, including the Premier, what clause 42(b)

presently says. The bill in question is No. 96; the page in question is page 8; and lines 21 to 23 provide that:

It is a provision of the casino licence that the licensee must not provide any gaming machine in the casino that is capable of being operated by inserting a bank note in the machine or in any linked device.

I believe that what the government meant by that was that it wanted the machines to be played by coin—and my amendment provides that. I put it to the Premier and other members in this House: why would you ban or propose to ban using bank notes but not smart cards that are purchased with bank notes? They are a large denomination and a currency within the four walls of the casino and they are equal in their nefarious effect. In my judgment, sliding into the machine the so-called smart card that has had that credit installed on its magnetic strip by payment of that sum of money to the casino is the same as using a bank note—there is no ruddy difference.

You might as well not have new section 42B in the legislation, Premier, if you allow the use of a lump of cardboard with a magnetic strip on it that has the same value as the bank note. It is a waste of trees and a waste of rare earth's magnetism used in the strips and an additional expense that achieves nothing in stopping problem gambling. My amendment, on the other hand, I think sets out to achieve exactly what the government intended, that is, to compel operators and gamblers in the casino to use coins. That is the reason for my proposing to delete 'by inserting a bank note' and in its place put the words 'by means other than the insertion of a coin', such that it would read:

It is a condition of the casino licence that the licensee must not provide any gaming machine in the casino which is capable of being operated by means other than the insertion of a coin in the machine or in any linked device.

Amendment carried.

Mr LEWIS: I move:

Page 8, lines 25 to 27—Leave out all words on these lines after 'prescribed day,' and insert:

- (a) provide any gaming machine in the casino that is fitted with a device or mechanism designed to allow—
- (i) the playing of a number of games by an automatic process; or
 - (ii) the playing of more than one game (ie line) simultaneously; or
 - (iii) betting at a rate of more than 10 cents per play; or
 - (iv) the playing of music; or
- (b) provide any gaming machine in the casino unless it is fitted with a device or mechanism designed to ensure—
- (i) that the machine automatically shuts down for at least five continuous minutes at the end of every hour; and
 - (ii) that whenever credits are displayed on the machine the monetary value of those credits is also clearly displayed; and
 - (iii) that for each game (ie line) played, whether the player has won or lost that game (ie line) is clearly displayed.

In this amendment I propose to preclude the possibility of people losing so much money so quickly. That cannot be entertaining. The way in which the government has written the legislation, it must be a means of more rapidly fleecing money out of problem gamblers. My amendment sets out to ensure that people cannot lose so much money, such that we preclude the possibility of betting at a rate of more than 10¢ per player. If you want to bet at more than that, then you should go to watch it happen on the roulette wheel; you should not go to a machine but, rather, recognise that you are going into big stakes.

It impacts on the people who otherwise are numbed and seduced by the music played by these machines, the lights

that flash and the colours used, which are deliberately chosen because of the effect they have on the central medullary cortex and pituitary gland in the brain. They are deliberately designed that way. If you can ramp up the amount of money that each play strips out of the pocket of the gambler, and you are the person who owns the device, then you do it. That is not about entertainment or about providing entertainment but about getting the money as quickly as possible.

I am saying, and I believe all members in this place ought to bear this in mind, that if you are playing those machines for entertainment (and many people claim that they do, and I see no evidence to the contrary, but equally I see evidence that some people cannot and do not), then to my mind it is not appropriate to allow so much money to be stripped away from the gambler by the machines so quickly, hence the reason for my moving my amendment to include these extra provisions in respect of any gaming machine in the casino that is fitted with a device or mechanism designed to allow the playing of a number of successive games, the playing of more than one game, that is, more than one line simultaneously or betting at a rate of more than 10¢ a play or the playing of music. All those things are detrimental. They do not entertain; they merely make it possible to get the money quicker. It is really ramping up the amount bet on each game by allowing those practices. Paragraph (b) provides:

provide any gaming machine in the casino unless it is fitted with a device or mechanism designed to ensure—

- (i) that the machine automatically shuts down for at least five consecutive minutes at the end of every hour;

If it has been played for 55 minutes straight, then it is time to compel the player on it at that time to take a break and go somewhere else because there are these crazy people who believe that they can just sit there and their luck will change on the next spin or that they are on a lucky streak now and they must keep going while the money is coming. That is mad and we all know it is mad. There is no such thing. It is all done on the basis of probability and there is no such thing as a run of luck. They need to let the adrenalin settle in their body and back off or go to another machine where they do not have this notion that there is an interaction going on between themselves and an electronic device, for God's sake, that is giving them luck.

I am putting the point that the kind of device used ought to be less seductive to those people who are pre-disposed to be compulsive or problem gamblers and that by so doing it does not in any way detract from what others claim they get as fun from playing machines, entertainment from playing the machines and that it is a more responsible consequence that I think we all desire. That is the reason for my moving these amendments. I cannot make it more plain than that.

If honourable members have not consulted experts in human behaviour, especially where such experts, psychologists, have focused their attention on the phenomenon of problem gambling on machines, I am sorry for their sakes, but I am telling them that such experts have advised me that this is a way of substantially reducing the number of people who become problem gamblers from the enormous number that are at present becoming problem gamblers where they use these machines and get hooked.

The Hon. J.W. OLSEN: The government opposes these measures on which the Independent Gambling Authority would be asked to report. I understand that in, deliberations with the committee, even the welfare organisations did not believe that there was any substantive evidence indicating that these measures (individually or collectively) would make

a difference to problem gamblers. They felt that the matter ought to be assessed, researched, quantified and responded to, and that is the government's position: that the IGA ought to have a close look at this and report.

Mr FOLEY: As I said earlier, the opposition will oppose this amendment and give it further consideration. Clearly, the amendment goes further than the government initially outlined in this legislation where the playing of a number of successive games through an automatic process would be banned. I look forward to the Independent Gambling Authority's research into the impacts of the playing of music on the gambling habits of the individual. It will be an interesting piece of research. I am not quite sure how one would conduct such research, but I will remain objective. I would not want people to think that I would be cynical about such research.

Mr HANNA: I rise to implore the member for Hammond or anyone else who might be listening to provide me and other members of the committee with relevant research which supports the move behind this amendment and to do so very quickly because the Labor caucus will be considering this measure over the coming days.

Mr LEWIS: In response to the Premier and the other members, including the member for Mitchell, who doubt that this—

Mr Foley interjecting:

Mr LEWIS: Okay. All I want to say is: why is it so that the colours and the tone of the lights are chosen in the way in which they are if this is not significant? Why are they all the same? Why are not some brightly lit? Why is all the music of the same kind of tone and not rap or Beethoven or Bach organ music? Why is it single notes in a major key not a minor key? It has all been very carefully researched.

Mr Foley: It is the major key not the minor key?

Mr LEWIS: That is right—or the diminished 7th in chords that are struck: they are plain notes in the major key not the minor key, and they are not chords. They are all appealing and they reinforce behaviour more effectively than any alternative choice that is available. They have a far greater impact on people who are predisposed to become problem gamblers than on the tough nuts in the community (such as the member for Hart) who are never likely to become problem gamblers in any other context than that they like to contest elections.

I am therefore surprised that those basic observations have not been made. Nonetheless, I shall do my best to provide the information to the member for Mitchell and anyone else who is interested in this phenomenon. I point out to them that it is not recently that this research has been done and the results obtained. I first read it when I undertook a study tour of the United States and looked at the 40 acres of gambling machines and so on in the Winnemucca casino—

An honourable member interjecting:

Mr LEWIS: Winnemucca is just inside the state of Nevada after you have crossed the salt lake from Salt Lake City in Utah. It is about 89 miles, I think—

An honourable member interjecting:

Mr LEWIS: Yes, it is just south of Virgin Valley.

An honourable member interjecting:

Mr LEWIS: Yes. I will do my best. I am disappointed that members do not understand what I am saying. As things stand at the present time, you can quite easily lose \$1 000 an hour on those machines over there. Just go over and work it out—multiple line playing at maximum bet. There is automatic rollover of \$1 000 an hour, without even noticing the fact that you have done it. I am surprised that members

have not checked out these kinds of things. I suppose that I am a little bit eccentric in that I am willing to spend the time to do it myself. I thank members for their attention. I guess I am not optimistic that I will succeed but I will, nonetheless, call for a division.

The committee divided on the amendment:

AYES (2)

Lewis, I. P. (teller) Matthew, W. A.

NOES (37)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	De Laine, M. R.
Evans, I. F.	Foley, K. O.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Meier, E. J.
Olsen, J. W. (teller)	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Venning, I. H.
White, P. L.	Williams, M. R.
Wright, M. J.	

PAIR(S)

Such, R. B. Thompson, M. G.

Majority of 35 for the noes.

Amendment thus negated.

Mr LEWIS: I move:

Page 8, after line 30—Insert proposed sections as follows:

Method of payment of gaming machine winnings

42C. It is a condition of the casino licence that the licensee—

(a) must not pay any winnings in an amount exceeding \$500 won on a gaming machine in the casino except by way of cheque; and

(b) must not cash any such cheque.

Smoking prohibited at casino

42D. (1) It is a condition of the casino licence that the licensee must ensure that smoking of tobacco products does not occur in the casino.

(2) A person must not smoke in the casino.

Maximum penalty: \$2 000.

Expiation fee: \$300.

(3) In this section—

'smoking' means smoking, holding or otherwise having control over an ignited tobacco product;

'tobacco product' has the same meaning as in the Tobacco Products Regulations Act 1997.

Food and drink not to be served to person playing gaming machines

42E. It is a condition of the casino licence that the licensee must not cause, suffer or permit food or drink to be offered or served to a person while the person is at a gaming machine in the casino.

Lighting levels in gaming machine areas

42F. It is a condition of the casino licence that the licensee must ensure that the nature and level of lighting in any area of the casino in which a gaming machine is situated is of the standard required for interior office lighting under the Occupational Health, Safety and Welfare Act 1986.

Inducements to gamble prohibited

42G. It is a condition of the casino licence that the licensee must not offer or provide a person with any of the following as an inducement to gamble, or to continue to play a particular game, in the casino:

(a) free cash, or free vouchers or gambling chips that can be used for the purposes of gambling in the casino or that can be exchanged for cash;

- (b) free points or credits on any game or machine played in the casino;
- (c) membership (whether on payment of a fee or not) of a jackpot or other gambling club;
- (d) free, or discounted, food or drink;
- (e) free entry in any lottery;
- (f) gifts or rewards of any other kind.

This is a very important amendment for me. It is a consumer protection measure. It ensures that, where a large pay-out is won by the gambler, they cannot take that money in cash or receive it as credits on the machine. It would be a condition of the casino licence that, when winnings are in excess of \$500, the amount won cannot be taken as cash or coin but has to be paid by cheque. The cheque cannot be cashed at the casino; it has to be cashed somewhere else. In that way, those people who have a bit of windfall will disappear and think twice before they spend it again. In my judgment it will stop the compulsive gambler from losing everything. It will send them home with something and probably will result in some bills being paid at home once their spouse or partner, or whoever, gets to know that there is some money around the place.

I do not see any reason why the casino should be allowed to believe that it can immediately suck all that money back again. When the casino advertises on TV that there is a pot of gold at the end of the rainbow, let the winner take the pot of gold home and enjoy it for at least a few days before they return to try for another one, thereby discouraging, on that occasion, the immediate hot pursuit of more. I repeat that anything over \$500 will have to be paid by cheque, and the casino itself cannot then cash such a cheque.

Mr HANNA: I am pleased to support this measure, as I am sure my colleagues will be. The point is that there is something peculiarly addictive about the gambling machines, which in our legislation are called gaming machines, and this is one measure that will assist problem gamblers in retaining their winnings, should they ever reach that level of success. If they are going to be paid out a massive amount, it will be safer for the couple of per cent of the population who have a problem with those machines to be paid out by cheque, so that they have a cooling-off period before they can come back and play with their winnings, especially if those winnings exceed the amount that the member for Hammond has chosen to put in his amendment.

An honourable member interjecting:

Mr KOUTSANTONIS: Someone who does not have the courage to sit in the chamber and interject is a coward. What we are trying to do here is to successfully ensure that gamblers who go to a gaming machine in the casino and gamble can win a payout and not be paid out in coin. That means that, if you win more than \$500, rather than being given the money in coin (which you will more than likely put back into the machine because you are on a roll), you are given a cheque that you cannot cash at the casino. This is a huge step forward for problem gamblers.

This is a great victory, if it is successful, and I commend the member for Hammond for moving this amendment. I am not quite sure whether 'gaming machines' in the casino means roulette tables and blackjack tables as well or whether it just means poker machines but, either way, it is a good idea.

I do not go to the casino and gamble that often, but when I do pass by to see what is going on I often see people making quite large outlays in bets. Some of the odds at the casino are pretty good, some are not as good, and the payouts can be

quite large. You are given the money back in chips or coins rather than notes, usually, and if you are on the second floor you have to walk a long way to have your chips or coins cashed in.

This is a good way of trying to slow down the level, pace and speed of gambling. It gives people a momentary pause to know how much they have won, rather than cashing that money in and probably risking it again. I think it is a good, sensible clause and I urge all members to support it.

Mr FOLEY: I am pleased that my colleagues have spoken so well in support of this amendment. We in the Labour Party are supporting this. We are a democratic party and within our caucus all members—

The Hon. J.W. Olsen interjecting:

Mr FOLEY: No, we have a very democratic process and we encourage strong debate within our caucus. There was a variety of views on this matter but, in the end, we reached consensus as a caucus, and the consensus was that we agree to it. I am happy to be supporting the member for Hammond in this quite revolutionary move forward to address problem gambling. We are going to give them a cheque to take home—which they can cash the next morning at the bank and then go back the following night.

Mr CLARKE: This is an historic occasion with respect to this amendment, which the Labor Party is supporting as a result of caucus. I want to pay tribute to the member for Peake, because it was the member for Peake within the Labor Party caucus who led the peasants' revolt. He led the peasants' revolt successfully on this occasion whereby, despite some strong objections by some senior members of the party—

An honourable member: Name them!

Mr CLARKE: —No; they stay within the four walls of the caucus—who would ordinarily carry the day on such a matter, such as they did on smoking in gaming places, finally the minions revolted. I think the member for Peake deserves full credit for leading that revolt. It is not a question of factional politics within the Labor Party on this matter; the member for Peake stood firmly on a point of principle, irrespective of what the views of his factional allies might have been. Despite the fact that I supported the member for Peake and seconded his resolution—ordinarily the kiss of death—in fact it gave life for the Labor Party to support the member for Hammond's amendment. I would have preferred to be more successful and persuasive on the issue of smoking, for all the reasons I have advanced in the past. By the time this issue finally trickled down, the member for Peake took a forceful stance on this issue, because no longer could the minions be led by the nose, and I congratulate him fully.

Amendment carried; proposed section inserted.

Proposed section 42D.

Mr LEWIS: I move:

Insert proposed section as follows:

Smoking prohibited at casino

42D. (1) It is a condition of the casino licence that the licensee must ensure that smoking of tobacco products does not occur in the casino.

(2) A person must not smoke in the casino.

Maximum penalty: \$2 000.

Expiation fee: \$300.

(3) In this section—

'smoking' means smoking, holding or otherwise having control over an ignited tobacco product;

'tobacco product' has the same meaning as in the Tobacco Products Regulation Act 1997.

This is consequential. I have heard people in the community at large say that having a smoke while they are gambling or having a drink is a way of life. Frankly, in my view, it is a way of death; it is a good way to get there in a much shorter time frame than would otherwise have been the case if they had not engaged in it. The facts speak for themselves in that regard. I do not think that it is un-Australian to protect people's lives. However, I will not require a division on the clause because it is consequential on the clause that has already been lost.

Ms STEVENS: I do not wish to go into the argument that we have been through previously, but I want to take the opportunity to put the record straight in terms of the comments made previously in this chamber by the member for Adelaide in relation to Labor's position on restrictions on smoking in hotels, restaurants and bars that were introduced in the first term of this government. The member for Adelaide always takes the opportunity to tell only half the story. I want to put this clearly on the record: Labor certainly opposed the member for Adelaide's amendments in relation to those smoking restrictions when he introduced them in the lower house, and the reason was as follows. The member for Adelaide, as was his wont on many occasions when he was minister for health, was not very able at undertaking consultation processes, and effective consultation processes, with stakeholders.

The member for Adelaide could not even get his act together and produce a set of amendments that the opposition could consider in its caucus meeting on the morning on which he introduced those amendments. The government was not prepared to wait for us to have a meeting to discuss those amendments. It had the numbers over us in abundance. I was handed those amendments by the member for Adelaide during question time, and we were to start debating them within about an hour. The opposition had no chance to consider those amendments, so we opposed them in the debate in the lower house.

When the bill went to the upper house, the initiatives, then considered, were supported by Labor and, as well, it was Labor's initiative, supported by the Australian Democrats, that forced the member for Adelaide in the matter—and the member for Bragg as Deputy Premier was pulled in to try to work through an impasse—and secured the \$4 million per annum that now funds the anti-tobacco task force. That is all I need to say, but I wanted to make sure that the whole story was placed on the record.

Proposed section negatived.

Proposed section 42E.

Mr LEWIS: I move:

Insert proposed section as follows:

42E. It is a condition of the casino licence that the licensee must not cause, suffer or permit food or drink to be offered or served to a person while the person is at a gaming machine in the casino.

This amendment is again one that will compel people not to sit at a machine for hours on end. It is not a good idea, in my judgment, to allow casino waiters to go around the gaming room serving clients food and drink while they sit playing gaming machines. I believe that it is in the best interests of everybody that people take a break when they are hungry or thirsty to go and get a drink, and remind themselves that they are human beings who as creatures have needs that extend beyond the gratification of their gambling desires. They should break from the machine, go away and refresh themselves. It is for that reason that I have explicitly included this proposed provision in the legislation. I think that it helps

people who are otherwise at risk of becoming compulsive gamblers from having that behaviour reinforced.

Mr FOLEY: The Labor Party will oppose this amendment moved by the member for Hammond. The Labor Party, after much debate, took the collective view that it believes that the individual is capable of playing a poker machine, having a drink and having something to eat at the same time and that that would not adversely affect either their health or their gambling processes.

The committee divided on the proposed section:

AYES (2)

Lewis, I. P. (teller) Scalzi, G.

NOES (37)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal M. K.
Brokenshire R. L.	Brown D. C.
Buckby M. R.	Ciccarello, V.
Clarke, R. D.	Condous S. G.
Conlon, P. F.	De Laine, M. R.
Evans I. F.	Foley, K. O.
Gunn G. M.	Hall J. L.
Hamilton-Smith M. L. J.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson G. A.	Kerin R. G.
Key, S. W.	Kotz D. C.
Koutsantonis, T.	Matthew W. A.
Meier E. J.	Olsen J. W.(teller)
Oswald J. K. G.	Penfold E. M.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	Venning I. H.
White, P. L.	Williams, M. R.
Wright, M. J.	

PAIR(S)

Such, R. B. Thompson, M. G.

Majority of 35 for the noes.

Proposed section thus negatived.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. J.W. OLSEN (Premier): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Mr LEWIS (Hammond): For the last several weeks of sitting, when the House has been sitting, it has risen, on some Tuesdays and Wednesdays, before 6 o'clock—certainly, on many occasions, before 10 o'clock. This legislation could have been debated more rationally and realistically over a period of time where the House has otherwise been adjourned and we have gone home early. My point, therefore, is that we now have this sort of, if you like, buster tonight going on into the wee hours of the morning, without cause, only to find that, within a day or two, we will be going home again before 6 o'clock.

I see no constructive purpose being served in suspending standing orders to sit beyond midnight. There is not a great deal of legislation on the *Notice Paper* and, therefore, quite clearly, the debate can be extended into tomorrow and dealt with in the course of proceedings then. I do not believe that any useful purpose can be served by compelling us all to sit until 3 a.m.—because I believe that there is about 2½ to three hours to go to get through this. However, if the government wants to be so miserable about it and mismanage the affairs of the House in such a way—as has occurred over recent

weeks—that we have this shortage of work on one or more days and then suddenly a surfeit of it, I promise the chamber that I can take this debate to 6 a.m. Trust me.

I do not believe that it is legitimate, reasonable or sensible to sit parliament in this manner. I do believe, however, that the debate on the matter to date has been constructive and I believe that it can continue to be. In being constructive, it will be useful in more clearly understanding the issues that confront us as legislators than would otherwise be possible if we suspend standing orders and try to ram it through during the early hours of the morning until 6. I can tell members that there are a damn sight more pages left to be considered in my amendments than we have already got through.

It is therefore up to the government. I am going to call against this suspension because I believe that it is ridiculous, and the government mocks parliament by using this process in the manner in which it has—not sitting some days and then, after we are all down here, going home early and then, on a night like tonight, sitting through the entire night. I have heard other members complain and I will be interested to see how they vote.

The Hon. J.W. OLSEN (Premier): I am surprised at the member for Hammond's lack of goodwill and spirit in this. Two weeks ago the member for Hammond asked, and got a commitment from me, to be able to debate these matters before the House—

Mr Lewis: This week.

The Hon. J.W. OLSEN: This week, and I gave him that commitment and that is exactly what we are here doing. I gave the honourable member a commitment and I am following through on the commitment, so for the member for Hammond to make the comments that he has just made in this House shows not only lack of grace but also courtesy for what I am trying to offer him in the passage of this legislation.

I ask the House to endorse the suspension of standing orders so that the business of the House can be dispatched. Tomorrow we have the Food Bill to debate, and my understanding is that a number of members wish to speak on that bill and that it will take more than two or three hours to handle, well into tomorrow evening. I therefore support the motion before the House.

The DEPUTY SPEAKER: The question before the chair is that the motion to suspend standing orders be agreed to. There being a dissentient voice, there must be a division. Ring the bells.

While the division was being held:

The SPEAKER: There being only one vote for the noes, the question is resolved in the affirmative.

Motion thus carried.

STATUTES AMENDMENT (GAMBLING REGULATION No. 1) BILL

In committee (resumed on motion).
(Continued from page 1528.)

Proposed section 42F.

Mr LEWIS: Notwithstanding the gratuitous insults I have just received, I will give my best endeavours to dealing with these proposals, and I trust that other members of the committee will do likewise. I move:

Insert proposed section as follows:
Lighting levels in gaming machine area

42F. It is a condition of the casino licence that the licensee must ensure that the nature and level of lighting in any area of the casino in which a gaming machine is situated is of the standard required for interior office lighting under the Occupational Health, Safety and Welfare Act 1986.

What members have just done is vote that people in the hospitality industry will work in the gaming machine areas of the casino. They have voted to have them serving food and drink in that area.

I am saying for two reasons then that we ought to require appropriate lighting to be installed in those parts of the casino's gaming machine areas by recognising, in the first instance, that lighting is very seductive if it is chosen to be in a particular form; that is, the intensity of illumination as well as the colours, and not just the colours alone but the tone of those colours. If the most seductive lights are used, they result in the greater likelihood of people so predisposed becoming problem gamblers. For that reason, we should bear in mind—

Members interjecting:

The ACTING CHAIRMAN (Ms Rankine): Order! Will members please take their seats.

Mr LEWIS: Yes, I know the members for Unley and Adelaide do not really much respect the standing orders or my role in this place.

The ACTING CHAIRMAN: Order! Will the members for Elder and Bright take their seats.

Mr LEWIS: It is against standing orders for members to stand between the chairperson and someone who is on their feet, trying to explain their point of view on behalf of their constituents. Having got past that, let me return to the substance of proposed section 42F, where I have made the point that we ought not to allow seductive lighting which enhances the prospects of the development of gambling addiction. There will be people working, delivering drinks and food for the gamblers in that part of the casino. Those people will be required to write down orders which they then go and fetch, take money and give change to the gamblers at the machines. Now that we know that the parliament believes that it is legitimate to offer food and drink while they are playing those machines, we should therefore take into account the consequences for the work force.

If it is good enough for us in our offices in our workplaces to have minimum standards of lighting, and if it is good enough for us in law to require other employers to provide appropriate standards of lighting where the accurate recording of things in writing is required of employees and the accurate payment of change, exchange of money and so on is going on, it is my argument that it is good enough to do it in the casino or, indeed, anywhere else that gambling is undertaken. It is for that reason that I have moved this amendment to the current legislation to require the level of lighting and the type of lighting in the gaming machine area to comply with the Occupational Health, Safety and Welfare Act of 1986. For the life of me, I cannot believe that any member in this place can mount an argument against that.

Proposed section negatived.

Mr LEWIS: That is amazing. Not one member of the Labor Party has the guts to stand up for the workers. Not one member of the Labor Party gave a reason for voting that clause down. Not one member of the government gave a reason for it.

Proposed section 42G.

Mr LEWIS: I move:

Insert proposed section as follows:

Inducements to gamble prohibited

42G. It is a condition of the casino licence that the licensee must not offer or provide a person with any of the following as an inducement to gamble, or to continue to play a particular game, in the casino:

- (a) free cash, or free vouchers or gambling chips that can be used for the purposes of gambling in the casino or that can be exchanged for cash;
- (b) free points or credits on any game or machine played in the casino;
- (c) membership (whether on payment of a fee or not) of a jackpot or other gambling club;
- (d) free, or discounted, food or drink;
- (e) free entry in any lottery;
- (f) gifts or rewards of any other kind.

Proposed new section 42G is to prevent the casino from offering inducements to people to gamble that are separate from simply having the machine there. Free cash or vouchers on shopping docket or gambling chips which can be used for the purpose of gambling in the casino or which can be exchanged for cash ought not to be given to anybody in any circumstances other than when they expressly request them in exchange for money; nor should there be free points or credits given in any game or machine played in the casino that can be used as an inducement to bring people back again in the near future; nor should membership of a jackpot or other gambling club be offered as an inducement; nor should free or discounted food or drink be offered or free entry in any other lottery or gifts or rewards of any other kind to induce people to gamble to a greater extent than they would otherwise choose by the simple transaction.

All these things—virtually trading stamps of one kind or another—are things which aggravate the levels of gambling addiction. The Victorian government is moving in this direction right now to prevent those kinds of additional inducements being offered through the casino there—in case members did not know that—and it is doing it for the very reasons that I have just provided to the committee, that is, they are an additional inducement which aggravate levels of gambling addiction in the patrons in that way. I am optimistic that the Premier will hear me on this point and, if there is some reason for the government not supporting the proposals, I trust he will be gracious enough to say why that is so, given the fact that the Victorian government has already looked at it and is doing it.

The Hon. J.W. OLSEN: This is a new amendment over those which were placed on the *Notice Paper* of two weeks ago and, consistent with my response to previous new amendments, we have not had an opportunity to consider it in the party room. The matter will be considered in passage between here and another place.

Mr LEWIS: I am gratified, at least, to have the Premier's view of the matter and I am surprised that no member of the Labor Party has any opinion on it, notwithstanding the fact that there are no other Independent members here present at this time—a quarter past 12.

An honourable member interjecting:

Mr LEWIS: Yes, it's too late for them. I do not understand why the Labor Party believes it is legitimate to try to reinforce attendance and participation in any gambling venue—and in this case it is the casino—by allowing a practice of this kind to be pursued. I am wondering why the Labor Party simply says nothing.

Mr CLARKE: This is an issue that I think the member for Hart has already explained to the member for Hammond, that is, it is an amendment that the Labor Party party room has not yet considered. Similar to the answers given by the

Premier, we are voting 'no' on this occasion until such time as we have had an opportunity over the next few days to determine our party position, which will be revealed in the Legislative Council. We have not had an opportunity as a party to discuss this and make a decision as a caucus, and until that happens we can have no position—and that is simply because of the fact we did not know about it until just before the debate commenced. It is unreasonable to expect us to do other than what we are proposing to do.

Proposed section negatived; clause as amended passed.

New Part 3A.

Mr LEWIS: I move:

After clause 16—Insert new Part as follows:

PART 3A

AMENDMENT OF ELECTORAL ACT 1985

Insertion of Part 13A

16A. The following Part is inserted after section 130 of the principal Act:

PART 13A

POLITICAL DONATIONS

Object

130A. The object of this Part is to protect the public interest in both the fact and the appearance of the independence of the political process from the uniquely powerful economic force of the gambling industry.

Offence for gambling entity to make political donation

130B.(1) A gambling entity must not make a political donation or ask or direct another person to make a political donation on behalf of the gambling entity.

Maximum penalty: \$200 000.

(2) For the purposes of this section, a gambling entity will be taken to have made a political donation if—

- (a) another person makes the donation with property that is owned or controlled by the gambling entity; or
- (b) another person makes the donation on behalf of the gambling entity and the donation would not have been made but for the influence of the gambling entity.

(3) For the purposes of this section, a gambling entity will not be taken to ask or direct another to make a political donation on behalf of the gambling entity by reason only of making a statement expressing support for or opposition to a political organisation or the election of a candidate if—

- (a) the statement is made without reference to a donation; or
- (b) the statement is made publicly and encourages all persons to make donations to political organisations or candidates (without reference to any particular organisation, candidate or group of candidates).

(4) In this section—

'disposition of property' means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes—

- (a) the allotment of shares in a company; and
- (b) the creation of a trust in property; and
- (c) the grant or creation of a lease, mortgage, charge, servitude, licence, power or partnership or any interest in property; and
- (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action or any interest in property; and
- (e) the exercise by a person of a general power of appointment of property in favour of another person; and
- (f) any transaction entered into by a person with intent to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person;

'donation' means any disposition of property made by a person to another person, otherwise than by a will, being a disposition made without consideration or with inadequate consideration, and includes the

provision of a service (other than volunteer labour) for no consideration or for inadequate consideration;
 'election' means an election of members of the Legislative Council or an election of a member or members of the House of Assembly;
 'gambling entity' means—

- (a) an applicant for, or the holder of, the casino licence;
- (b) an applicant for, or the holder of, any licence under the Gaming Machines Act 1992;
- (c) a racing controlling authority within the meaning of the Authorised Betting Operations Act 2000;
- (d) an applicant for, or the holder of, the major betting operations licence under the Authorised Betting Operations Act 2000;
- (e) an applicant for, or the holder of, an on-course totalisator betting licence under the Authorised Betting Operations Act 2000;
- (f) TAB;
- (g) a controlling authority within the meaning of the Racing Act 1976;
- (h) a racing club registered under the Racing Act 1976;
- (i) the Lotteries Commission of South Australia, and, in each case, includes a close associate of the gambling entity;

'group of candidates' means a group of two or more candidates nominated for election to the Legislative Council who have their names grouped together on the ballot papers in accordance with section 58 of the Electoral Act 1985;

'political donation' means a donation made to or for the benefit of—

- (a) a candidate, or group of candidates, in an election; or
- (b) a political organisation,

but does not include an annual subscription paid to a political party by a person in respect of the person's membership of the party;

'political organisation' means a political party or a group, committee or association organised in support of a political party or a candidate in an election;

'property' includes money;

'spouse' includes a person who is a putative spouse, whether or not a declaration has been made under the Family Relationships Act 1975 in relation to that person.

'TAB' has the same meaning as in the Racing Act 1976.

(5) For the purposes of this section—

- (a) a person is a close associate of a gambling entity if—
 - (i) one is a spouse, parent, brother, sister or child of the other; or
 - (ii) they are members of the same household; or
 - (iii) they are in partnership; or
 - (iv) they are joint venturers; or
 - (v) they are related bodies corporate; or
 - (vi) one is a body corporate and the other is a director, manager, secretary or public officer of the body corporate; or
 - (vii) one is a body corporate (other than a public company whose shares are listed on a stock exchange) and the other is a shareholder in the body corporate; or
 - (viii) one is a body corporate whose shares are listed on a stock exchange and the other is a substantial shareholder (within the meaning of the Corporations Law) in the body corporate; or
 - (ix) one has a right to participate (otherwise than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other; or

- (x) one is in a position to exercise control or significant influence over the conduct of the other; or
 - (xi) a chain of relationship can be traced between them under any one or more of the above subparagraphs; and
- (b) the question of whether a body corporate is related to another body corporate is to be determined in the same manner as under the Corporations Law.

The provisions that I have had drafted and included here are to address a problem which I see likely to emerge, if it has not already emerged, in the political landscape. That is, to prevent the owners of licences from making political donations or asking or directing another person to make a political donation to a political party. There is a good reason for that. It is quite simply that gambling is the only industry in which you can get a licence to make megabucks. You rely on the law, on an act of parliament, and in consequence the temptation is to offer huge inducements to political parties to support your cause in their policy, in two ways: one being not to interfere in the function of the licence as it stands, if that is satisfactory, or to interfere or change it in a way that would enhance the profitability of it, regardless of what the best interest of the public would be served by doing.

This is not a unique proposition. This is a proposal which is already on the statute books in New Jersey in the United States. It is for that very reason that I just explained to the House that, after a long period of time the people of New Jersey and their political representatives recognised the nefarious influence which gambling institutions can have on political parties at the local and state level in their city, county and state elections if they are allowed to make donations to political parties, they banned it and by that means they were able to continue regulating without fear or favour in the public interest.

This was part of the debate we had when the casino licence was first debated in this place. I know that I was disturbed and concerned and tried to get members to understand it at that time, but it was like what we will do tonight, legislation by exhaustion. Nobody understood what I was saying, everybody thought me simply quarrelsome, antagonistic and deliberately and intentionally difficult. They were not hearing the reasons I was providing in support of the proposals I was trying to get them to understand and incorporate in the legislation, so I simply gave up on it. I remember remarks made to me by some of the people leading the proposition to issue a casino licence and the remarks they made clearly indicated to me that they did not understand my concern and they thought I was having a shot at them.

Well, I am not having a shot at them tonight, nor was I having a shot at anyone 20 years ago when we debated the casino legislation in the first place. If it is good enough for New Jersey to go through the pain that they went through and come to the conclusion that it is unwise to allow organisations that have a gambling licence to donate to political parties, then it is good enough for us to learn from their example. Surely, we do not have to go through that pain now that the government no longer owns the licence and has sold it to private interests.

In my judgment, if we do not pass these provisions and prevent political parties from receiving donations and the owners of licences in the gambling industry from making those donations, we will do ourselves a disservice and bring discredit on the parliament and ultimately on the gambling industry, because it cannot but be tempted to make the offer

and the payment. It will involve not just the casino but the industry at large, and there will be big dollars in it. Political parties will be tempted to agree to policy changes (without saying that they have done so) in return for the hundreds of thousands of dollars that will be offered as inducements to make those changes or not to make other changes that would be in the public interest were they made.

Hence the reason for the high penalty, for anyone who is tempted to do so, in the proposal that I put before the chamber—\$200 000 maximum. Everything that is provided in the draft new clause is an essential part of the legislation. I have tried to make it inclusive of all possible circumstances. I may have overlooked some, but I doubt it. I am grateful to those who assisted me in the preparation of the draft to make it so comprehensive in the manner in which it has been put to members.

I hope that the majority of us, indeed all of us, support it, because that way we will never need to defend the accusation that as parties we have become hooked on donations from the gambling industry in the same way as governments now appear to be hooked on the revenue from the tax.

The Hon. J.W. OLSEN: The government does not support the amendment moved by the member for Hammond. Consistent with our view that smoking in gambling venues is a health related matter, what the honourable member seeks to deal with here is an electoral matter in a bill designed to look at the issue of gambling, in particular problem gambling, as it relates to the number of poker machines in the South Australian community. This moves away from the original intent of the bill before the parliament and opens up a different act for different purposes.

I repeat that, consistent with our view that smoking is a health related issue and ought to be handled in that way, these matters that are currently the subject of the amendment are matters for the Electoral Act and not for this bill as it attempts to look at gaming and problem gambling within the South Australian community.

Mr FOLEY: The Labor Party opposes this amendment. I concur with the Premier's view, but I will go further and make the point that the Labor Party opposes the amendment whether it be to this particular bill or the Electoral Act. I am sure that the Premier would share that view. The provision of political donations from corporate Australia is a feature of our political system, and that is addressed with extremely tight governance in respect of federal and state laws to ensure proper accountability and proper disclosure. It also ensures that as much as is possible is made public for the community to be aware of, notwithstanding the odd mechanism entered into by our concerted opponents through various foundations nationally. In the main, at a state base, it is a reasonably transparent process, although one can think back to 'Catch Tim' and the events surrounding that in the early part of the 1990s.

That aside, this bill seeks to say, quite deliberately, that the hotel industry or gaming corporations cannot make political donations to political parties because, in the explanation put forward by the member for Hammond, laws made by this parliament affect that industry. However, in the name of consistency, I point out that we have passed laws that make smoking legal, that make alcohol legal and that make mining legal; and we have laws that govern major corporations through indenture legislation. We are about making laws that affect the everyday activities of business and commerce in this state and in this country.

This provision is an attempt to single out one particular industry sector. I think I can speak for the government, and I can certainly speak for the opposition, when I say that, if companies choose to donate to a political party, that is their choice. That is part of supporting our democratic system and the cost of election campaigns. That money is publicly disclosed and it does not influence the policy of political parties. For those reasons we will be opposing the amendments.

Mr CLARKE: Given the hour, I will be very brief. I support what the member for Hart has said but, more particularly, my view is that you do not just ban electoral donations from the gaming industry. There are any number of interest groups in our society, large ones in particular, who benefit from government legislation, or the lack of it, and who donate to all political parties. It is about time that this parliament addressed the issue—as other parliaments have done in Australia and overseas—of public funding by the public purse so there is less reliance on donations, particularly by large corporations, to all major political parties.

Senator John McCain made a big issue of reforming the laws in respect of campaign donations in the United States during the presidential election. We in Australia should also review our laws with respect to campaign donations and put on the agenda in this state once and for all the issue of public funding. That in itself will not be the total solution. Other areas also need to be addressed (which the previous federal Labor government tried to do) such as compelling commercial media, especially the television stations, to provide free-to-air time for political parties in terms of their advertisements and the like, because the big killer in costs for all political parties is in the area of television advertising. Unfortunately, that attempt was overturned in a High Court decision, on the basis of alleged implied freedom of speech. In my view, all this High Court ruling basically means in this circumstance is the freedom of speech for those who can be most easily bought, who can receive the most commercial donations from the particular interest groups, and not just in the gaming industry but elsewhere.

I think the whole idea of limiting donations to political parties by the various interest groups is very important but it has to be tackled in a multi-faceted way. It has been on the back burner for too long in this state, and far too long in terms of public funding. But that in itself is not the sole answer: there is also the issue of reining in the rampaging costs of television advertising, which is destroying all political parties. In some respects, it is hawking all major political parties to the highest bidder because of the cost of running an election campaign.

The Hon. M.K. Brindal interjecting:

Mr CLARKE: I do not know what you mean. In terms of political advertising, you tempt me too far and I could go on for too long. Simply, I say that the member for Hammond's views, whilst they are encouraging, do not go anywhere far enough. I believe it is about time that we as a parliament put the whole issue of electoral funding firmly on the front foot and addressed it, instead of pussy footing around as other states and federal parliaments have done.

Mr LEWIS: I am not impressed by the arguments that I have heard. I think it is a serious matter and it is in no sense, as the member for Hart claims, the same as any other industry. Gambling does not grow one more lettuce or produce one more nail, rubber band or radio. No product, other than the so-called enjoyment or entertainment, arises from it, yet the companies licensed to provide the so-called

service have to rely on legislation to do so. We legislate to ensure that it is fair and scrupulous in the sense that the odds are declared and the machines are fair to the best of our ability to determine it by scrutiny and that there are penalties if they are not. It is altogether different from any other industry.

No other licensed industry that provides an intangible service such as this can make as much money as can the proprietors in the gaming and gambling industry. I therefore see the danger that the people of New Jersey saw and came to appreciate as real (not just imagined), very damaging and so insidious that they finally took steps to prevent political donations being made by companies involved in gambling.

Mr Clarke: They are still run by a bunch of crooks in New Jersey.

Mr LEWIS: It does not mean that they have sorted out all their problems. A lot of those problems arose from the fact of its being a state that developed gambling as a means of getting revenue from other states that did not have gambling. It attracted the wrong type of people into the state to get into the industry, and they used the influence they gained from the dollars they generated from their gambling businesses to influence politics.

It is far more insidious and serious than the member for Hart makes out. I know he wants his tax money from the gambling industry when he becomes Treasurer. I know, too, that he is looking forward to the benefits that will accrue from the political donations the Labor Party will be able to get from the gambling industry. I know that it will also be the case with the Liberal Party. The temptation to contribute those funds is far too great. The Premier's explanation that this is an act dealing with gambling and not the Electoral Act is specious, because we are trying to prevent gambling from becoming an industry that can influence policy other than by sound argument against which, or in support of which, the public interest is measured.

It is going to become an industry that will have an influence that is tainted by its ability to use its profits, and they are supernormal profits in economist terms, in many instances, way above what the risk would otherwise indicate was a fair return on the capital that is invested, and they will use those profits to play favourites and obtain favours in doing so. I am disappointed that the Premier cannot see that point and says that we must not do it here.

In a good many other instances in my time in this place, under both Labor and Liberal, wherever we have seen the need to amend the law in another act or more acts we have included it in the provisions of a bill to deal with it in that way. So, it is a specious argument altogether, I have to tell the Premier. It does not wash with me and it will not wash with the public.

Question—'That proposed new clause 16A be inserted'—declared negatived.

Mr LEWIS: Divide!

While the division was being held:

The CHAIRMAN: There being only one member for the ayes, the question is resolved in the negative.

New Part 3A thus negatived.

Clause 17.

Mr LEWIS (Hammond): I move:

Page 9, after line 16—Insert new paragraph as follows:

(d) by striking out 'or other token' from paragraph (b) of the definition of 'gaming machine' in subsection (1) and substituting ', bank note or token'.

This is consistent with the amendment proposed by the Premier earlier, to which I drew attention and which I amended to prevent the use of bank notes as the means of paying for the games you wish to play on a machine. The proposal is really consistent with a measure which we have already debated and agreed upon tonight. For that reason I say to the committee that we should simply pass this on the voices.

The Hon. M.K. BRINDAL: The last speaker was correct: we initially agreed to this, but the government agreed to it erroneously and will change it in another place. This amendment therefore being consequential to the original intent, we do not intend to support it here.

Question—'That the amendment moved by the member for Hammond be agreed to'—declared negatived.

Mr LEWIS: Divide!

While the division was being held:

The CHAIRMAN: There being only one member voting for the ayes, the question is resolved in the negative.

Amendment thus negatived; clause passed.

Clause 18 passed.

Clause 19.

Mr LEWIS: I am deliberately trying to get the attention and focus of the House upon the provisions included here to deal with problem gambling and contrast that with some of the other idiot decisions that some members have made about some of these matters. The clause provides:

In determining an application for approval of a game, the commissioner must have regard to any guidelines issued by the authority to the commissioner for the purpose of assessing whether a game is likely to lead to an exacerbation of problem gambling.

This is commendable, and I support it. It is not only the type of game but also the type of surroundings and the manner in which the game is played that can exacerbate problem gambling. This clause, of course, will prevent a proliferation of games if it is likely that, by having that proliferation, it will exacerbate problem gambling. Subclause (3) provides:

If the commissioner is of the opinion that the game [which is being applied for] is likely to lead to an exacerbation of problem gambling, the commissioner must refuse the application.

Again, that is commendable. But why is it, then, that we draw the line at that and say that some games are more likely to do it but other features of the games that are already licensed, features which are more serious in their exacerbation of problem gambling, are not dealt with? That is an inconsistency, and such an inconsistency as we have just seen, for instance, in not passing a subsequent clause that is consequential to one passed earlier in the debate because the member for Bragg said that the committee made a mistake.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: Well, the committee voted. The opportunity was there for any one to call for a division against whatever the government and I decided in relation to that. I am not impressed at all. Clause 19 (2) and (3) could also be used to stop different types of games from being introduced in a novel way which might take money away. We are getting to the point where we have virtually saturated the ruddy market; and the introduction of any additional game will result in reduced revenue for any or all of the other games that are currently licensed to be played in places where gaming and gambling can be undertaken—betting on horses, and so on.

I am willing to bet that during the next five years a number of debates will take place about which games are good and bad according to the gambling industry which, I remind members, will now be able to make donations to political

parties if the other chamber agrees to that proposal. The debate will be about the types of games that ought to be removed from the list of approved games and, certainly, there will be debates about preventing the introduction of new games. It is a bit like the water in the Murray. We have got to the point now where expanding the number of games is not sustainable. It will not generate incremental increases in the amount of revenue that still has little or no effect on the existing licensed games that can be played.

There will, therefore, be specious arguments on the merits of one game that is already licensed as opposed to another game that someone seeks to licence; or, on the other side, arguments about which games ought to be delicensed in favour of other games not licensed to be licensed. Altogether, we are setting ourselves up as legislators to be regarded as incompetent and uncaring because what we are doing as legislators is saying, 'Look, we want to wash our hands of responsibility for all of this. We will give it to a specialist authority and we will give it a capital A—the Gambling Authority. It will not be our problem any more. We will take information and advice from experts.'

It will be the classical cop-out of Pontius Pilate: 'I find no fault with him, but you want to crucify the sod so we will do that', as they said and as he did, and so will we. When the time comes I can hear future members for Bragg saying, 'This is the recommendation of the authority and we should therefore accept that advice or, alternatively, we will simply give the authority the power to go and do as it pleases, without further reference to the parliament, to change the nature of gambling to fit within the framework that its expert opinion thinks to be appropriate.'

Altogether, I am disturbed by the direction that people's concern is taking. It is not increasing at all; it is dropping off. I am talking about those of us in here—the people who are elected by the rest of the public to make laws in the public interest. The debate has gone past the point where people are capable of concentrating on the issues that ought to be teased out and understood before they vote upon those measures—and is it any wonder, the time now being a few minutes to 1 o'clock in the morning? Therefore, I see that we will sit all night, as I said at the time when the casino licence was first debated and, more particularly, at the time when we had this massive effort imposed upon us to pass the poker machine legislation.

We will live to rue the day (as we are doing now) that we did not pay more attention to the proposed provisions of the legislation and the consequences of that legislation. We do not understand what we are doing to the community, which put us here to act—and we really do not care, at 1 o'clock in the morning. We have just all given up and said, 'Yes, that is what we will do; we are all agreed on it. That is the party's line; we will go down that path.' Well, I will not—not without making an attempt to get people to understand the seriousness of the decisions we are making. So, whilst I am not opposed to this provision, I am disturbed that the arguments will arise not on the merits of the game or form of gambling but, rather, on whose profits will be affected by the introduction of any new game.

The Hon. M.K. BRINDAL: The member for Hammond would be aware that, under the present guidelines, the Commissioner can allow or refuse games. Under this provision, he can at present allow or refuse games but there are, in fact, at present, no guidelines. This measure provides that there will be guidelines, that they will be set by the authority to the Commissioner, and that they will be set in

such a way that, if a new gaming machine is developed in such a manner that that gaming machine, or the game on the gaming machine, can be considered to be conducive to exacerbating the problems of problem gambling, then by the guidelines that machine will be prohibited, and the Commissioner will prescribe that the machine be prohibited.

I do not think, in fairness to this committee, that it goes down the track that the member for Hammond describes. It merely reinforces the Commissioner's ability to allow or disallow a type of gaming machine. But, rather than having to do it by some subjective decision that he forms in his own mind at present, it allows a body—the commission—to set those guidelines, and to set those guidelines in a way that will be conducive to not exacerbating further problems related to problem gambling as they are inherently found in gambling machines. That is a very easy proposition to understand, even at 1 o'clock in the morning.

The Hon. G.A. INGERSON: I note that the member for Hammond is not, in essence, opposing this clause. One of the major issues that came before the review committee was the question of how one controls any new games which may be set up on psychological grounds that would obviously increase problem gambling. It was the view of the group that met—and it was a very strong push from the welfare group, in particular—that we needed to set up some strong guidelines and that that ought to be done independently because, although the Licensing Commissioner currently has the power to do it, there ought to be a separate group which says that these are the sorts of issues about which we are concerned, these are the psychological processes we believe are being used to encourage people to gamble more on these machines, and we ought to have the two separate but working together on this issue of new spectacular games.

It was a very strong recommendation, supported by the industry people, that in essence this would at least be an attempt to put some sort of hurdle in the road of the manufacturers, which for a long time have been setting up games that psychologically attract people to gamble more. It is an attempt to overcome that position. I am not naive enough to believe that we will overcome it, but at least it is the first attempt to say that some of the games cause problems and create problem gamblers and we ought to do something about it. That is the background to why we have gone down this track.

Mr LEWIS: I am surprised that the member for Bragg and the Hon. Angus Redford did not explain to the people in the welfare agencies that that is properly the domain of parliament. Parliament decides whether or not we race horses, and it decided that we would race only thoroughbred horses, for a hundred years or more.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: But it certainly decides that it will be done within a particular licensing framework. Parliament decided whether or not there ought to be a casino so, if there are to be new types of games, the parliament itself ought to have that responsibility. As I said earlier, I will not oppose the clause. I have simply explained to the committee that I do not think that the legislation properly establishes who should be responsible for deciding what is going to happen, and that I can see that it is a means by which the industry now established will be able to protect itself by speciously arguing to prevent the establishment of any new games that the existing industry does not want.

Clause passed.

Clause 20 passed.

Clause 21.

The Hon. G.A. INGERSON: I move:

Page 10, line 18—Leave out ‘remote’.

In the discussion on this bill, it was put to the committee very strongly that, because there are certain towns within this state which have hotels and clubs but no banking facilities, those clubs or hotels could exceed the limit of \$200 and only one withdrawal a day. We had the clause drafted to include the words ‘the remote location of licensed premises’. It has been put to me that it ought to be just ‘the location of licensed premises’ because that would include a lot of country areas that do not have banking facilities in a town. I commend the amendment to the committee.

Mr FOLEY: We support the government’s measure.

Mr LEWIS: What we are really saying in this clause is that the commissioner may from time to time, by notice in writing to the licensee, fix the monetary limit for the daily withdrawal on a debit or credit card from cash facilities on the particular licensed premises that is higher than the limit applicable under subsection (1)(b), if the commissioner thinks that good reason, that is, the remote location of the licensed premises, exists. What is in the legislation is that it ought to be a remote location. He is saying it does not need to be remote, it could be anywhere. Why bother to have the clause at all? Why should the commissioner ration it? What will happen is everyone will want to be able to get around the provisions of section 51B that limit the amount of money that can come out. If one can do it, why can’t everyone? If you do not have a reason for having it there and it is not the remoteness of the location, it is just any location whatsoever.

Ms Breuer interjecting:

Mr LEWIS: If the commissioner thinks with good reason. The commissioner can be convinced of anything, or not convinced of other things. I am not impressed by the way in which the commissioner’s office has handled a lot of problems in Murray Bridge that have arisen in consequence of some of the bad behaviour resulting from late night trading. Some of those people are a slack and lazy lot in the way in which they have failed to deal with the community’s concerns that have arisen as a consequence of the irresponsible way in which the owners of the licensed premises have allowed misbehaviour to occur from some people who are so drunk they cannot even stand up when they get outside the pub. They fall over and urinate all over the footpath, and then start swearing at anyone who comes along to try to help them. Talk to the Salvos in Murray Bridge or talk to some of the people in the immediate vicinity of where that sort of thing is going on.

I am not impressed by the commissioner’s ability to make objective judgments about such matters. It does not come back to the matter of whether or not it is remote. The member for Bragg is saying, ‘Delete remote’. In other words, do not bother about a reason, just say ‘the location’, any location. You can go into the commission and argue before the commissioner that it is okay for a licensed premises to be given permission to exceed these limits of the cash that can be withdrawn. The original reason for including it was so that people living in rural areas or in the Outback where banks had been closed down and no longer had access to a means of getting cash would be able to go into the licensed premises, which has cash, and withdraw some from the EFTPOS machine.

Now what the member for Bragg is arguing is that it does not need to be remote; it does not matter whether there is a

credit card facility or ATM machines within 100 metres, or 50 metres. It does not matter whether or not there is a bank in the vicinity. It is not a remote location, it is just any location where you can mount an argument that is plausible to be given permission to get around section 51B which provides:

the sum of \$200; or . . . some other sum is prescribed by the regulations for the purposes of this section. . .

Or otherwise, paragraph (a) provides:

if the commissioner has fixed a monetary limit in respect of the premises under this section.

All this arose out of my concern that there ought never to be credit card facilities or ATMs in gambling premises to stop people who have the predilection to become problem gamblers from getting ready access to money that they are borrowing from finance houses on credit card interest rates. But that has been watered down and the member for Bragg now tells us that we can water it down even further to the point where all you have to do is convince the commissioner.

We might as well delete section 51B altogether, because everyone will argue that they have a special case, and you will find, once one person gets it and it is not in a remote location and has no requirement, that firm or that licence holder will be held up as an example for another one that will be marginally similar, and you will gradually water it down to the point where it is a farce. Therefore, parliament’s real intention is subverted. I do not support the belief. Have I not understood what the member for Bragg explained? Why would you just say ‘any location’? Why not stick with ‘remote location’? What other kinds of locations are there in which it is justifiable, I ask the member for Bragg, to allow the licensed premises to have a higher limit other than that which is applicable under subsection 1(b)?

The Hon. G.A. INGERSON: It has been put to me that the word ‘remote’ in its strictest sense means a long way away from anything, out in the distance. Some small country towns, not defined as being remote, do not have any ATMs or banking facilities other than those at the hotel and/or club. It has been put to me that we would be better off to remove that word because it is too narrow in its definition. The commissioner would then be able to say, ‘If it is in a location that does not have banking facilities, ATMs or other cash facilities, they could then take this into consideration,’ because it is not that tight and that specific. Clearly, this message is saying to the commissioner, ‘You can do this only in exceptional circumstances.’ It is fair that what has been put to me ought to be considered by the committee. Then it is up to the committee to see whether it accepts my argument.

Ms KEY: I would like to make a few brief comments. First, I still have not heard any further information to say that this clause, with or without the word ‘remote’, is enforceable. I would be interested to know whether there is any further information on that. Secondly, as in my contribution earlier in this debate, I have some real concerns about the constituents that I represent. One constituent has come to me and said that, through age and mobility problems and the fact that they do not drive a car, the nearest banking facility for them is the local hotel. By way of example, I mention the Highway Inn on Anzac Highway—which is, admittedly, across the road from some banks. However, that corner across from the highway is difficult to get to for a number of constituents who live there. Also, a number of pensioners who live around the Hilton Hotel on Sir Donald Bradman Drive (what we call the workers’ Hilton) go to the hotel not only to occasionally play

the pokies and take advantage of a \$3.50 meal but also to get some cash to do their supermarket shopping or shopping at the local deli.

Although you would not say that people who live in Richmond or Hilton are living in remote areas in the true sense of the word remote, they have said to me that they see it as quite reasonable for them to make up their own mind about where they go and get their cash and their facilities. They take great exception to some of the nonsense that has been peddled in this place about the use of ATMs near machines. By way of example, I note that the ANZ Bank on Hutt Street is next door to the TAB. There are two issues here. First, we are picking on pokies as being the gambling evil in this matter. Secondly, we are really not considering what some of our constituents would see as a service with all the banks and facilities that have closed down. I support the amendment for the simple reason that I do not think 'remote' adequately describes some of the situations I am talking about in the metropolitan area. With regard to this debate about cash facilities, I do not know about members in this committee, but I quite often use the ATM cash facilities in the casino. I have absolutely no interest in going into the casino, but I find that a very useful way in which to do some banking and to get some money, and a lot of my constituents would support my sentiments.

Mr LEWIS: I thank both the member for Bragg and the member for Hanson for their explanation of what they trust it will mean in terms of convenience for the people on whose behalf they speak. I am then compelled to put to them: why would you want to use a credit or debit card to withdraw more than \$200 on any day, given that, if you have a balance to which you have access, you do not need cash to buy fuel for your car; you do not need cash to pay for a meal at a hotel—if you have enough money to dine in a hotel, or anywhere else for that matter; and you do not need cash to do your shopping.

Most places these days prefer to take credit card or debit card payments electronically for the goods they sell so they do not have to carry so much cash on their premises. As I said, you can pay for whatever you need for your motor car and whatever you need for your personal cleaning bills such as dry cleaning and whatever. All those transactions and the purchase of food and drink can be done with your debit or credit card. If you need more than \$200 in cash and you are living in the metropolitan area, then I suspect that it is for the purpose of buying drugs.

Ms Breuer interjecting:

Mr LEWIS: Yes, it is. I ask the member for Giles: do her constituents live on more than \$1 400 a week? Do they need cash at the rate of \$1 400 a week to pay their normal bills? Not on your nelly, they don't. For someone to suggest that the sweets and the soft drink and maybe some takeaway food you buy throughout the course of any 24-hour period will be greater than \$200, then something is wrong. Footwear can be paid for by credit card, so can clothing of all kinds and you do not shop for it in places that take only cash.

The Hon. R.G. Kerin interjecting:

Mr LEWIS: And I say to the Deputy Premier, if you go only once every three weeks to Glendambo and go back to the pastoral property from which you came, why would you need money back there?

The Hon. R.G. Kerin interjecting:

Mr LEWIS: If you need to pay cash for your drinks and they have a credit card facility, then I am surprised that the bottle department does not sell them using credit card facilities. I have been through Glendambo a few times and I have never been refused. I do not know anywhere you cannot use credit cards or debit cards to make substantial purchases. The only time you need cash in your pocket is when you are buying a magazine or newspapers, some takeaway food or a bottle of drink, or something of that order. That does not add up to more than \$200 a day. Once you have left Glendambo and gone back onto the property from which you came, there are not any shops anyway. You live on the stores that you have purchased and taken with you.

It is amazing to me that we would even contemplate allowing it. I am willing to accept that a remote location might be legitimate, but to say that just any location is an okay place to my mind defeats the purpose of the bill and mocks the public concern there has been that compelled us in the first instance to include proposed new section 51B in the legislation.

The committee divided on the amendment:

While the division was being held:

The CHAIRMAN: There being only one member voting for the noes, the question is resolved in the affirmative.

Amendment thus carried.

Progress reported; committee to sit again.

ADJOURNMENT

At 1.25 a.m. the House adjourned until Wednesday 16 May at 2 p.m.