# HOUSE OF ASSEMBLY

**Tuesday 26 October 2004**

**The SPEAKER (Hon. I.P. Lewis)** took the chair at 2 p.m. and read prayers.

## POLICE, FACILITIES

A petition from 3 165 residents and business people from the City of Tea Tree Gully, requesting the house to urge the government to ensure the operation of a police facility/patrol base within the City of Tea tree Gully before the expiry of the term of this parliament, was presented by Mrs Geraghty.

Petition received.

## CLEVE DISTRICT COUNCIL

**The SPEAKER:** Pursuant to section 131 of the Local Government Act, I lay on the table the annual report 2003-04 for the District Council of Cleve.

## ADELAIDE MAGIC MILLIONS PROGRAM

**The Hon. M.D. RANN (Premier):**I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.D. RANN:** Today I had the great pleasure to attend the Morphettville Racecourse to officially launch the Adelaide Magic Millions program for 2005. At the launch, I announced that it is the intention of the government to introduce legislation into the parliament to permanently move May's Adelaide Cup public holiday to the second Monday in March from 2006. The reason for this move is so that we can create a week-long horse racing carnival and thus boost the national profile of Adelaide's racing industry. This makes sense.

*The Hon. Dean Brown interjecting:*

**The Hon. M.D. RANN:** You should have a talk to Graham Ingerson. It is what the SAJC wants and it is what the organisers of Magic Millions want; and, certainly, I am prepared to back it. As every member in this place would know, the Adelaide Cup long weekend in May has been a wash-out on a number of occasions, including in the year 2000. I am informed that it rained on Adelaide Cup Day in something like 19 of the past 30 years and, certainly, on four of the five past cup days. We intend to introduce legislation to ensure that the Adelaide Cup public holiday follows the event to its new date in March.

A public holiday in March, rather than in May, will be great for tourism and for our economy. It will be a boost for the Adelaide Festival and the Fringe, and it will complement WOMADelaide. The holiday will also coincide with Victoria's Moomba Festival public holiday. The Adelaide Cup has been a staple of South Australia's sporting and social life since it was first run in 1864, and moving the race to the finer and warmer month of March should increase its appeal. Whilst the race has been around since 1864, I understand that the public holiday was instituted in 1970, so it took over 100 years for a public holiday to honour the Adelaide Cup.

The Adelaide Magic Millions has been an outstanding success since it was first held in 2000, and it has generated millions of dollars for our state's economy. A study by independent consultants found that the 2002 Magic Millions generated $13.7 million for the South Australian economy. Since then, it has gone from strength to strength, with yearling sales this year reaching a record $15 million—a 75 per cent increase on the previous year. Buyers from all over Australia, as well as from Hong Kong, Malaysia, New Zealand, South Africa and the United Kingdom attended the sales. Attendance at the 2004 Magic Millions race day was four times that in 2003, while there were also healthy increases in sponsorship and corporate hospitality.

With the spotlight on Adelaide during the carnival, we will have a fantastic opportunity to promote Adelaide, not just as a tourism destination but also as a great place to do business and to work and live. This is about bringing together the Magic Millions and the Adelaide Cup—a fantastic autumn festival of racing. Melbourne hosts a Spring Festival, and our festival will be up there in lights nationally.

I congratulate all those involved, and I suggest that members opposite who have concerns about this should talk to Graham Ingerson and the South Australian Jockey Club.

*Members interjecting:*

**The SPEAKER:** Order!

## PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. K.O. Foley)—

South Australian Motor Sport Board—2003-04

By the Treasurer (Hon. K.O. Foley)—

Department of Treasury and Finance—Report 2003-04
Distribution Lessor Corporation—Report 2003-04
Essential Services Commission of South Australia—Report 2003-04
Funds SA—Report 2003-04
Generation Lessor Corporation—Report 2003-04
Lotteries Commission of South Australia—Report 2003-04
Motor Accident Commission—Report 2003-04
Police Superannuation Board—Report 2003-04
RESI Corporation—Part 1 Chief Executive Officer's Report—Report 2003-04
SAICORP (South Australian Government Captive Insurance Corporation)—Report 2003-04
South Australian Asset Management Corporation—Report 2003-04
South Australian Government Financing Authority SAFA—Report 2003-04
South Australian Parliamentary Superannuation Scheme—Report 2003-04
Super SA Board—Seventy Eighth Annual Report—Report 2003-04
Transmission Lessor Corporation—Report 2003-04

By the Minister for Energy (Hon. P.F. Conlon)—

Regulations under the following Act—
Electricity—Bushfire Risk

By the Attorney-General (Hon. M.J. Atkinson)—

Director of Public Prosecutions—Report 2003-04
Guardianship Board—Report 2003-04
Legal Services Commission of South Australia—Report 2003-04
Office of the Public Advocate—Report 2003-04
South Australian Classification Council—Report 2003-04
State Electoral Office—Report 2003-04
Telecommunications (Interception) Act 1988—Report 2003-04
The Legal Practitioners Education and Admission Council—Report 2003-04
Regulations under the following Act—
Victims of Crime—Statutory Compensation
Rules of Court—
Magistrates Court—Amendment No 22—Debtors
Supreme Court—Amendment No 16—Criminal Rules

By the Minister for Health (Hon. L. Stevens)—

South Australian Abortion Reporting Committee—Report 2003-04

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Animal Welfare Advisory Committee—Report 2003-04
Land Board—Report 2003-04
South Australian National Parks and Wildlife Council—Report 2003-04
Wildlife Advisory Committee—Report 2003-04
Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report 1 April 2004 to 30 June 2004

By the Minister for Employment, Training and Further Education (Hon. S.W. Key)—

Regulations under the following Act—
Technical and Further Education—Classifications

By the Minister for Administrative Services (Hon. M.J. Wright)—

Freedom of Information Act 1991—Report 2003-04
State Records of South Australia—Administration of the State Records Act 1997—Report 2003-04
Regulations under the following Act—
Freedom of Information—Members of Parliament

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Industrial Relations Commission, President and Senior Judge Industrial Relations Court—Report 2003-04
Australian Government National Occupational Health and Safety Commission—National Code of Practice for Noise Management and Protection of Hearing at Work 3rd Edition—June 2004
Regulations under the following Act—
Workers Rehabilitation and Compensation—Anaesthetic Services

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

South Australian Tourism Commission—Report 2003-04

By the Minister for Housing (Hon. J.W. Weatherill)—

HomeStart Finance—Report 2003-04
South Australian Community Housing Authority—Report 2003-04
South Australian Housing Trust—Report 2003-04
The South Australian Aboriginal Housing Trust—Report 2003-04
Regulations under the following Act—
Housing and Urban Development (Administrative Arrangements)—Board of Management

By the Minister for the Ageing (Hon. J.W. Weatherill)—

Office for the Ageing—Report 2003-04

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Advisory Board of Agriculture—Report 2003-04
PIRSA—Primary Industries and Resources SA—Report 2003-04
Regulations under the following Act—
Fisheries—Cockles

By the Minister for State/Local Government Relations (Hon. R.J. McEwen)—

Local Council By-Laws—
District Council of Cleve
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land

By the Minister for Forests (Hon. R.J. McEwen)—

South Australian Forestry Corporation—Report 2003-04

By the Minister for Consumer Affairs (Hon. K.A. Maywald)—

Regulations under the following Act—
Liquor Licensing—Long Term Dry Areas—Berri and Barmera.

## BUS CONTRACTS

**The Hon. P.L. WHITE (Minister for Transport):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. P.L. WHITE:** I have been advised of the following in respect of bus contracts. The tenders for bus contracts for the Outer North, the Outer North-East and the North-South regions of metropolitan Adelaide closed yesterday at 4 p.m. They will be opened today in the presence of the probity adviser. There has been interest from local, interstate and overseas companies to operate these services. I am pleased with the amount of interest in this tender, and I understand that five companies have tendered for these services.

Rigorous analysis of the tender documents will now commence. The government is hopeful that the best ideas and innovations for bus services will have been captured. On the advice of the probity adviser and in the best interests of the people of South Australia, no details of the tenderers or their bids will be released at this time.

## KEEPING THEM SAFE: CHILD PROTECTION

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. LOMAX-SMITH:** I am pleased today to be able to bring to the house a significant initiative within the education portfolio, which forms part of the state government's child protection reform program, Keeping Them Safe. The Teachers Registration and Standards Bill will give greater powers to the Teachers Registration Board to ensure the teaching profession in South Australia is a closely monitored, carefully regulated and high quality professional body.

The previous government introduced police checks of teachers in 1997, but did not give the board the power to update checks upon renewal of registration. This means that about two-thirds of the current register of teachers has ever been screened. The passing of this bill will allow us to undertake these retrospective checks on all 35 700 teachers across all teaching sectors immediately, with funding of $700 000 from the government to ensure that we have a clean slate to complement the firmer protective measures provided for under the new act. The new bill will:

- make it an obligation for all teachers to have mandatory reporting training and allow the board to initiate police checks at the renewal of registration and as part of investigations;
- give the Teachers Registration Board greater ability to monitor and make decisions on the suitability of teachers to work with children in the school environment and to ensure 'fitness to teach' standards are in line with nationally agreed measures; and
- make sure that critical information about teachers can be shared between the board and employers in all schooling

sectors, the police, and boards in other states, to stop movement of child abusers between schools and states.

These measures form a comprehensive approach to teacher registration that puts South Australia back at the forefront of national change and shows that we are serious about protecting our children across all preschool and schooling sectors.

Through public and targeted consultation, all key stakeholders have contributed to the process of refining this bill. I believe that it strikes the best balance between ensuring the rigorous protection of children and procedural fairness in the treatment of individual teachers. In general, the consultation indicated overwhelming support for the bill, confirming that it is a significant and much-needed improvement on the current provisions in the Education Act. Once passed, the new act will add to other child protection measures already in place in our schools.

This government has nearly doubled the number of primary schools with a counsellor. We have updated the 20 year old child protection curriculum, currently being further developed in a select cluster of schools. The state budget allocated $148 million as the third and most comprehensive response to the Layton review, which includes 186 new child protection workers.

The clear statement today is that protection of our children in the school environment is of paramount importance to the education sector. This important legislation, and the changes it brings, is a significant investment by the government which will help the police, education authorities and the school communities to work closely together to ensure the safety of students. I encourage all members to support these important measures so that South Australians can have the utmost confidence in the fitness, quality and professionalism of our state's teachers.

### JOINT COMMITTEE ON A CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

**Mr RAU (Enfield):** I bring up the final report of the joint committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

### ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

**Ms BREUER (Giles):** I bring up the annual report 2003-04 of the committee.

Report received and ordered to be published.

### MEMBER'S APOLOGY

**Mr BRINDAL (Unley):** I seek leave to make a brief personal explanation.

Leave granted.

**Mr BRINDAL:** I briefly wish to apologise before the house to you, sir. Yesterday, I left the chamber and re-entered the chamber by the shortcut and I failed to be courteous to the chair by acknowledging you. It was an oversight on my part, and I do apologise. I did not hear you on either occasion when you made a remark that was drawn to my attention subsequently. I did not mean any discourtesy to the chair, sir, and I apologise.

**The SPEAKER:** The chair notes the apology. The member apologises not to the person or the member for Hammond; the apology is made to the chair, whomever that may be from time to time. I remind all honourable members that they need to acknowledge the presence of the chair and the role and function of the chair whenever they cross the chamber, whenever they enter the chamber, whenever they leave the chamber—when leaving through the main entrance to the floor of the chamber they do so at the bar—and whenever they pass between whomever is on their feet speaking and the chair. In doing so, they acknowledge that they are not attempting to cause disruption or to behave in a disrespectful manner to the decorum of the chamber. If it were not so, parliaments would pretty soon become not much different from a tag wrestling match in appearance. Other parliaments observe that with great effect, and in no small measure so does this chamber, but we can do better, and we will do better if we try.

## QUESTION TIME

### CROWN SOLICITOR'S TRUST ACCOUNT

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Premier. In the final days of the 2003-04 financial year did Warren McCann, the CEO of the Premier's own department, ask Kate Lennon to accept $445 000, which was then deposited into the Crown Solicitor's Trust Account?

**The Hon. M.D. RANN (Premier):** I have no knowledge of that, but I will certainly seek a report from Mr McCann.

**The Hon. R.G. KERIN:** I welcome the Premier's undertaking to seek that report. At the same time, can the Premier also undertake to advise whether or not the CEO knew that it was going into the Crown Solicitor's Trust Account?

### METROPOLITAN FIRE SERVICE

**Mr CAICA (Colton):** My question is to the Minister for Emergency Services. How has the South Australian government achieved unqualified Auditor-General's audit reports for the Metropolitan Fire Service for 2002-03 and 2003-04 in the light of the SAMFS receiving qualified reports in 1999-2000, 2000-01, and why were those earlier reports qualified?

**The Hon. P.F. CONLON (Minister for Emergency Services):** I thank the member for Colton, who has yet again demonstrated his keen ongoing interest in the affairs of the Metropolitan Fire Service. It is true that we have achieved unqualified audits in the last two years of our government for the Metropolitan Fire Service. We have achieved this by making the hard decisions and by putting the affairs in order to the best of our ability in the light of the legacy we were left with. I am not engaging in debating a point, but we were left with a legacy of three successive qualified audit reports.

What we have achieved has been a local agency illustration of the big picture: that is, recovering the AAA rating. It is about making the hard decisions and putting in place the proper financial management and guidance. There is no doubt, as has been discussed in this house, that it has been a little difficult to get everyone to cooperate with that on all occasions. However, we have taken the hard decisions, and we have got there. Above all, it has been about paying heed to our watchdog, the Auditor-General.

I have been asked by the member for Colton why those reports were qualified in 1999-2000, 2000-01 and the subsequent year. It is a very interesting question in the light of things that have been going on here. In answering the member, I refer to the independent audit report addressed by

the Auditor-General to the Chief Officer of the Metropolitan Fire Service in 2000 for the period 1999-2000. It has a heading entitled 'Qualification', under which he explains exactly why that audit was qualified. He says:

> The South Australian Metropolitan Fire Service applied monies from its section 21 Deposit Account on 5 July 1999 for the purposes of making a loan of funds to the Emergency Services Administrative Unit for the amount of $21 million.

He goes on to say:

> I am of the opinion that the loan made by the South Australian Metropolitan Fire Service was not consistent with the functions of the Corporation as set out in section 9.

In defence of the Metropolitan Fire Service, it was not actually its idea to do this. Unfortunately, the MFS is the agency that was audited. In fact, it was an instruction from on high to do this, and it might be something that a former minister may wish to explain a little later. Let me explain what the Auditor-General said in 2000. He went on to say:

> As such the transaction departs from relevant statutory requirements and is unlawful. . .

What do members think a responsible government would do in the light of an Auditor-General's report like that? You should think it would get its behaviour in order. I refer to the Auditor-General's communication with the chief officer of the fire service in 2001. Under the heading 'Qualification', he says:

> With respect to 1999-2000 I issued a qualified Independent Audit Report. . .

He goes on to say:

> The qualification related to a loan transaction for an amount of $21 million. . .

He then goes on to say:

> I was of the opinion that the loan was unlawful as it was not in accordance with the relevant statutory requirements as set out in the [named act].

He goes on to say:

> With respect to 2000-01 the South Australian Metropolitan Fire Service applied monies from its section 21 Deposit Account on 2 August 2000 for the purposes of making a loan of funds to the Emergency Services Administrative Unit for the amount of $2 million. . . I am of the opinion that the loan made by the South Australian Metropolitan Fire Service was not consistent with the functions of the Corporation. . .

He goes on to explain that that loan, too, was unlawful.

**The Hon. M.J. Atkinson:** Unlawful!

**The SPEAKER:** Order! Little Sir Echo will be quiet.

**The Hon. P.F. CONLON:** It is one of those occasions when you use that maxim res ipsa loquitur, the facts speak for themselves. It is not necessary for me to compare the behaviour of the previous minister who on high arranged unlawful transactions. And compare that to what has occurred with that matter that has come under scrutiny from the opposition in the Department of Environment and Heritage, which was remedied quickly and the Auditor-General was listened to.

I cannot explain to you, Mr Speaker, why those on the other side continue to ask questions in light of their own track record, except to say when the Deputy Leader of the Opposition was a minister he moved more money around than Armaguard did. Let us get it straight: we as a government are fixing the legacy of financial mismanagement. We have achieved a AAA rating. We are putting affairs in order, and I hope we will not hear the opposition flogging any more dead horses today.

## CROWN SOLICITOR'S TRUST ACCOUNT

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Police. Prior to July 2003, was the minister informed by senior police or Justice Department officials that the relocation of the Adelaide Police Station had come in under budget by $1.03 million and that this amount was to be deposited in the Crown Solicitor's Trust Account? In July 2003, $1.03 million was deposited in the Crown Solicitor's Trust Account. A leaked document obtained by the opposition identifies that this amount represented under-expenditure on the relocation of the Adelaide Police Station.

**The Hon. K.O. FOLEY (Minister for Police):** I will check that, Mr Speaker. I do not have any recollection of that, sir, but I will get an answer back to the house as quickly as I can.

**The Hon. R.G. KERIN:** Supplementary, sir: I thought the Treasurer had been investigating these issues but, if he has to come back, can he also let us know whether it was an attempt to hide that money from Treasury?

**The Hon. K.O. FOLEY:** Well, I am the Treasurer, Mr Speaker. I have no recollection of that matter, but I am quite relaxed about it. I have no doubt that I have acted properly and I will get an answer as quickly as I can.

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The honourable member for Enfield.

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The honourable member for Enfield has the call, not the Minister for Infrastructure. It is uncommon for the Minister for Infrastructure to ask questions, and when he does of the Speaker without notice, the Speaker tries to respond. The honourable member for Enfield.

## BARLEY SINGLE DESK

**Mr RAU (Enfield):** Thank you, Mr Speaker. My question is to the Premier. Can the Premier please update the house on the future of single desk marketing arrangements for South Australian barley growers?

**The SPEAKER:** May I point out to the honourable member for Enfield that it is not necessary for him to either express gratitude to me or beg ministers for answers.

**The Hon. M.D. RANN (Premier):** I thank the honourable member for his interest on the issue of trade, which I think is quite well known.

*Mr Venning interjecting:*

**The Hon. M.D. RANN:** I know this is a controversial issue, but I was heartened a couple of weeks ago to hear from the South Australian Farmers Federation, through its President, Mr Lush, and through its director, Carol Vincent, that treasurer Costello had indicated to the South Australian Farmers Federation during the recent election campaign that he was—

*Mr Venning interjecting:*

**The SPEAKER:** Order! The honourable member for Schubert is, I think, possessed of too many grumpy grumble beans from lunch.

**The Hon. M.D. RANN:** I will repeat that. I was heartened to hear from the South Australian Farmers Federation that treasurer Costello had indicated to them during the recent election campaign that he was willing to review competition policy arrangements for barley marketing. In other words, we no longer, it appeared, had the threat of a withdrawal of

payments to South Australia, and I was delighted to hear from SAFF that the federal government appeared to be softening its position.

In light of this, I announced on 5 October that I would be withdrawing the barley marketing bill, thus preserving the single desk. As I have said, the single desk has served this state and the industry well for many years, and I am stunned at the reaction from the other side of this house. Clearly they do not share my support for the single desk. I have today written to treasurer Costello requesting a meeting to discuss competition policy and to seek his endorsement of my recent actions. So the ball is now very much in treasurer Costello's court. Minister McEwen and myself are looking forward to this matter being resolved, amicably we would hope, in the near future. I want to pay a tribute to the South Australian Farmers Federation. SAFF has provided great leadership on this issue and I commend John Lush for his strong advocacy on behalf of South Australian barley growers.

*Mr Venning interjecting:*

**The SPEAKER:** Order, the honourable member for Schubert!

**Mr BRINDAL:** I rise on a point of order. The Premier has said today that he is stunned that members opposite have a particular view, and he does that repeatedly in answer to questions. The *Hansard* then implies something that is not true. He is misrepresenting us, sir, and I ask you to rule—

**The Hon. M.D. Rann:** Don't interject.

**Mr BRINDAL:** —that he should not say such things, because it misrepresents the proceedings of this house and is disorderly.

**The SPEAKER:** It is no less disorderly to interject, and the Premier, of course, during the course of the member for Unley taking the point of order committed that sin. The honourable the Premier may also advise those folk who prepare notes for him to avoid using the names of ministers but rather refer to them by their portfolio.

**The Hon. M.D. RANN:** I apologise, sir. I mentioned minister McEwen, and I should have said the Minister for Agriculture, Food and Fisheries. On the point raised by the member for Unley, if members do not want to be misquoted during interjections they should refrain from interjections and abuse.

**The SPEAKER:** Such as the chair has reminded all members.

## DEPARTMENTAL FUNDS

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is again to the Premier. What amount was transferred from Arts SA to the Art Gallery and State Library at the end of the financial year 2004, and did this transfer involve the CEO of Arts SA, Greg Mackie, or the CEO of Premier and Cabinet, Warren McCann? Yesterday the Treasurer stated in the house:

> I was informed last week about the transfer of funds from Arts SA to the Art Gallery and the State Library at the end of the financial year 2004. These agencies fall within the ambit of the Premier's ministerial responsibilities.

*Dr McFetridge interjecting:*

**The SPEAKER:** Order, the honourable member for Morphett!

**The Hon. K.O. FOLEY (Treasurer):** In an overabundance of caution and respect for the house I alluded in my statement yesterday to a particular two transactions involving a few hundred thousand dollars each, I understand, although I am yet to receive a detailed report on the matter, and it was money transferred to, I think, the Library and the Art Gallery before the end of the financial year, with I think about $400 000 in each transaction, or figures of that amount. I brought that to the attention of the house, in an abundance of caution. The CEO of the Department of Premier and Cabinet—

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** Why don't you ask a supplementary and break the sort of rhythm that you normally have, member for Bragg, you tactical genius you? In an abundance of caution I raised the matter. The CEO of the Department of Premier and Cabinet is inquiring into the matter. My advice last night was that this matter has now been discussed with the Auditor-General who, I am advised, is not overly concerned and believes that matters will be properly explained. I am yet to have that confirmed. As soon as we have that we will provide it to the house.

I think it is prudent to be more open with the house than perhaps governments of the past have been, and I think that is a good thing. An abundance of caution should not be mistaken for admitting error, other than ensuring that the house is informed when we feel it is appropriate. As I said, the verbal advice, which is not complete as it is, indicates that this transaction is not of the same order as previously discussed in this place. I am happy to provide the house with a further response as soon as I receive it, and it is appropriate that I pass that on.

## DENTAL SERVICES

**Mrs GERAGHTY (Torrens):** My question is to the Minister for Health. What impact will the government's decision to allocate an extra $3 million for dental care this year have on waiting lists for pensioners and concession card holders on the dental waiting list?

**The Hon. L. STEVENS (Minister for Health):** I thank the member for Torrens for this question, because the provision of timely dental services to pensioners and concession card holders is a priority for this government. When it came to office in 2002, the average waiting time for restorative work in the metropolitan area was 49 months. The allocation of an extra $3 million this year, which comes on top of an extra $4.5 million over four years in this year's budget, and an extra $8 million over four years allocated in our first budget in 2002, will bring forward another 7 000 procedures. This is expected to reduce the waiting time to less than 28 months. As I said, when we came to government the waiting time was 49 months. I am pleased to be able to say that a share of these procedures will also be allocated to country South Australia, and I know that you will be particularly interested in that, sir.

The government has now allocated a total of $15.5 million extra to bring forward dental work for pensioners and health care card holders to reduce waiting times by almost two years. It is worth remembering that the blow-out in dental waiting times followed the decision by the Howard government to scrap the commonwealth dental scheme from 1 January 1997. This cut South Australia's dental services by $10 million each year. South Australia will continue to argue for commonwealth funding to be reinstated for dental services—something for which the former minister also argued.

## DEPARTMENTAL FUNDS

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Treasurer assure the house that the transfer of money within several departments, as highlighted within the Auditor-General's Report, is not occurring within other departments?

**The Hon. K.O. FOLEY (Treasurer):** I was asked a similar question, either in this chamber or publicly. You would be a brave Treasurer to say that there are no other incidents. We have put policies in place to tighten up financial controls and the management of cash within government. The Crown Solicitor's trust incident has indicated an elaborate scheme to avoid that, and we have clamped down on that. As I indicated in my previous answer, there are practices that we want to make sure fit both the accounting standards and the policies for the management of money that we put in place.

I have spoken to chief executive officers, and I want adherence to the policy, but I would be a brave Treasurer to say that there are not other isolated incidences. The important point is that the comments of Mike Walter QC, the former crown solicitor, were debunked by the Auditor-General, who said that—

*Members interjecting:*

**The Hon. K.O. FOLEY:** Hang on!

**The Hon. P.F. Conlon:** They don't trust the Auditor-General. They never have.

*An honourable member interjecting:*

**The Hon. P.F. Conlon:** You don't trust him. You don't trust his judgment.

**The Hon. K.O. FOLEY:** Exactly. That's right—they are now questioning the Auditor-General.

**An honourable member:** Dead right!

**The Hon. P.F. Conlon:** 'Dead right,' they say.

**The Hon. K.O. FOLEY:** Members opposite just said 'dead right' when then minister said they did not trust the Auditor-General.

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The honourable minister will get his finger back in its holster.

**The Hon. P.F. Conlon:** Sorry, sir.

**The Hon. K.O. FOLEY:** That was not me, sir, was it? No. The government accepts criticism when it is made of us by the Auditor-General, and we accept the comments of the Auditor-General when they are supportive of government actions. That is what you should do to an Auditor-General, not like the practices of the previous government; and, as we just heard by way of an interjection, members opposite still do not respect the office of the Auditor-General. I paraphrase the Auditor-General when he said that these matters, as they relate to education and health, were not sustained on close analysis. The Auditor-General said words to that effect.

For the Leader of the Opposition to interject that they were not investigated simply does not bear scrutiny. I hope that there are no other incidents, but I cannot be absolutely certain.

**An honourable member:** Why not?

**The Hon. K.O. FOLEY:** 'Why not?' says a member opposite; well, in a $9 billion budget with 70 000 public servants, or thereabouts, and with thousands of transactions occurring every day, it would be a brave Treasurer to say that there are no other isolated incidents. I hope that there is not but, as my colleague the Minister for Infrastructure and the leader of the house made very clear, during the last government, knowingly unlawful acts were undertaken by members opposite, which were commented on in the Auditor-General's Report at that time. I contrast the difference between the actions of a government that ignored an Auditor-General, that tried to get around an Auditor-General and that hid most of its actions from public scrutiny to this government.

The only criticism that the opposition can land on us is that we are too open and too self-critical when we make errors.

**The Hon. R.G. KERIN:** As a supplementary question (and I will put it to another way), is the Treasurer aware of any inappropriate funding movements that have not yet been raised with the house?

**The Hon. K.O. FOLEY:** I have to say that, as Treasurer, I am made aware of many things that happen in government. At this point I have not felt the need to bring any other matter to the attention of the house. I will go back and have a look, but I can say this—

*The Hon. Dean Brown interjecting:*

**The Hon. K.O. FOLEY:** Not at all. No matter is currently before me that I feel warrants being brought to the attention of the house. That is not to say that I am not briefed regularly on a daily basis of matters relating to government. Is the leader fishing? I do not know what he is fishing for—come out and the tell me and I will give him a direct answer.

## WATER, CONSUMPTION

**Ms THOMPSON (Reynell):** My question is directed to the Minister for Education and Children's Services. How is the state government encouraging schools and preschools to implement measures that save water?

**The SPEAKER:** Will the member for Reynell please repeat the question? I could not hear.

**Ms THOMPSON:** Sorry, sir. How is the state government encouraging schools and preschools to implement measures that save water?

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I thank the member for Reynell for her question, because she highlights a very important topic that was of significance last week, which happened to be National Water Week. It is a timely reminder of protecting and conserving our water resources as we move towards another hot summer and dry period. We had permanent water conservation measures introduced in October 2003, and it is therefore imperative that the Department of Education and Children's Services continuously improve the environmental management of our government schools and preschools.

On 20 September, the member for Light asked what had happened to the $1 million environmental fund, wrongly asserting that this government had cut the program. It is important to clarify that schools and preschools are, indeed, encouraged to implement water conservation initiatives through our DEC's Water Conservation Incentive Scheme. To this end, we allocate the $1 million every year as an ongoing program. The $1 million conservation incentive scheme is used for training and development programs to achieve more effective water conservation outcomes in supporting changes to design and management of high water usage outdoor areas and best land care and landscaping practice, with work particularly being implemented around ovals but also improving irrigation equipment to aid water conservation and efficiency.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. LOMAX-SMITH:** In May this year all DECS schools were invited to submit an expression of interest to obtain funds to implement conservation initiatives. I am pleased to say that the 169 sites that applied for funding each received an allocation of resources in 2003-04. I can assure all members, especially the member for Light, that DECS aims to further enhance its position as a role model within the wider community by providing ongoing funding that is specifically tailored to meet water conservation needs.

## CROWN SOLICITOR'S TRUST ACCOUNT

**The Hon. I.F. EVANS (Davenport):** My question is to the Attorney-General: if not Kate Lennon, then who in the Attorney-General's Department authorised the transfer of approximately $485 000 into the Crown Solicitor's Trust Account late in 2003-04, which is allocated for the Just Net Wide Area Network? The opposition understands that Kate Lennon had moved to another agency prior to the transfer of these funds to the Crown Solicitor's Trust Account.

**The Hon. K.O. FOLEY (Treasurer):** I will take that, Mr Speaker. Again, these matters were subject to full, open scrutiny at the recent Economic and Finance Committee hearing, where all of these questions could have been asked of the person who investigated this matter; that is the Auditor-General.

**The Hon. DEAN BROWN:** I rise on a point of order. That is a reflection on the freedom of this house to ask the minister appropriate questions about the conduct of government. I ask that the minister be asked to answer that question as the Attorney-General was about to do.

**The SPEAKER:** The Deputy Leader of the Opposition raises a valid point of order. No member asking a question which is orderly can be the subject of derogatory remarks or patronising statements in consequence of their undertaking what is an orderly inquiry. The inquiry that was made was orderly.

**The Hon. K.O. FOLEY:** On reflection, I humbly apologise to the shadow minister for finance for referring to his being an hour and a half late for the Auditor-General's appearance before the Economic and Finance Committee. We will come back with a detailed answer, but the point is that, unfortunately, a number of officers were involved in these transactions.

*The Hon. R.G. Kerin interjecting:*

**The Hon. K.O. FOLEY:** I should have thought that, as a former premier and minister of this state, he would have understood that chief executive officers are responsible to the executive. It is not appropriate for the executive government to determine action against public servants and people employed under the PSM act. That is the responsibility of individual CEs of departments. As we have said from the beginning, at least one officer is facing disciplinary action. It may be that others will also face disciplinary action, because there were other officers involved. As per the email that was referred to by me in this house yesterday and raised by the Auditor-General, when Ms Lennon was working in Family and Community Services, she emailed an officer in the Justice Department asking that officer to open an account in the Crown Solicitor's Trust to deposit money from Family and Community Services. The then crown solicitor, Mike Walter, then said words to the effect that at some point Treasury is going to find out about this and get—I apologise for the word, but it is on the public record already—pissed off about this, and stop it, which was not a bad point.

The tragedy is that other officers were involved; that is the whole point of this exercise in wanting to properly investigate, but it is the responsibility of the CE of the Department of Justice and the CE of other agencies, if others are involved, to appropriately administer disciplinary action as required under state law. It is for the government to determine what action it should take against the CE and, as I explained yesterday, we asked the then CE to explain her actions, and the CE chose to resign.

**The Hon. DEAN BROWN:** I have a supplementary question; who was the CE of the Attorney-General's Department at the time of that specific transfer if Kate Lennon had already been transferred to another department?

**The Hon. M.J. ATKINSON (Attorney-General):** After Kate Lennon went to the social justice department, Bill Cossey came from the Courts Administration Authority to be the Acting Chief Executive of the Department of Justice. I do not know whether he was the officer responsible for the transaction, but the Treasurer has pledged to get back to the house with the name of the person responsible for that transaction.

*Members interjecting:*

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

## ENVIRONMENTALLY FRIENDLY GOVERNMENT PRACTICE

**Ms CICCARELLO (Norwood):** My question is to the Minister for Environment and Conservation. Can the minister advise how the government is improving its behaviour to be environmentally friendly?

**The SPEAKER:** I just wish they would transfer it to the chamber!

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I thank the member for her question. The government is very environmentally friendly. It is friendly in a range of ways, but particularly when it comes to looking after our environment. I am pleased to inform the house that, last week, I launched the implementation phase of the Greening of Government Operations (known as GoGO within the agency). This will bring government agencies together to tackle issues of water waste and energy use.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** There will be no go-go dancing! An internet site—

*The Hon. P.F. Conlon interjecting:*

**The Hon. J.D. HILL:** No. It is a good suggestion from my colleague. An internet site called www.greening.sa.gov.au is also on line now to provide information for community and government uses, and I commend that site to the house. It is part of the government's commitment to using its own resources wisely. We want to crack down on the waste of energy and pollution created by our own organisations. It is important for the government to lead by example. If we want the rest of the community to take action in relation to these issues, it is important that we do it also. I am advised that, collectively, government spends $1.9 billion per year in addition to public works. That is huge purchasing power, so government can send signals to industry to increase resource efficiency and encourage better environmental performance through innovation and sustainability.

The government, as members would know, has already committed to leasing 10 000 square metres of office space in the proposed five star, green energy-rated building in Waymouth Street, which will be the first such building in South Australia. In addition, 25 per cent of the Adelaide Metro bus network operates on alternative fuel, and a trial of biodiesel buses is under way. In 2003-04, the government's fleet of passenger and light vehicles travelled 127 million kilometres, consuming 14.8 million litres of fuel and producing 32 687 tonnes of $CO_2$. By embracing LPG, 1 563 tonnes of $CO_2$ has been saved and the fuel bill cut by about $1 million. So, we not only help the environment but we also help the government's pockets. The government, unlike the member for Mawson, is serious about reducing greenhouses gases and improving efficiencies across government, and I certainly welcome this initiative.

## DEPARTMENTAL FUNDS

**Ms CHAPMAN (Bragg):** My question is to the Attorney-General. Will the Attorney advise whether his department forfeited to Treasury approximately $7 million in unapproved carryovers in 2001-02? The opposition has been advised that the forfeited amount included $300 000 relating to the commonwealth funded national cars project and that the Treasury position was that the Attorney-General's Department would have to find savings within its budget to fund the commonwealth project.

**The Hon. M.J. ATKINSON (Attorney-General):** Let us be clear about this. When the new Rann government came into office, it brought in a new policy on carryovers. So, to say (as the opposition has on previous sitting days) that money was salted away in hollow logs and brought out and carried over without limitation in previous years is to say nothing, because it was the policy of the Brown, Olsen and Kerin governments to allow carryovers—veritable slop-overs every year. When the government changed, the new Treasurer decided to have a different carryover policy, and that policy (which was endorsed by everyone in cabinet) was that, at the end of the financial year, if there was unspent money, it had to be returned to Treasury unless the department went to Treasury and sought permission to carry over the money into the next financial year.

As I have said on radio many times, people of goodwill can have different approaches as to which is the best policy. Whether that was the best policy is canvassed in two very good articles in *The Independent Weekly*, the new Sunday paper in Adelaide. You can read those articles and decide for yourself the merits of the two policies. Nevertheless, in March 2002 there was a change of government in South Australia. The new government had a different policy on carryovers. So, to say that hundreds of thousands of dollars or millions of dollars was returned from the justice portfolio or the Attorney-General's Department to Treasury at the end of the financial year and not carried over is to say nothing. It is merely saying that the department complied with the carryover policy of the government. As Attorney-General, I subscribe to that carryover policy, and I expect my public servants to obey it. I was interested to see in the most recent edition of *The Adelaide Review* that Michael Jacobs in his column says:

> If you are hiding it from the Under Treasurer and the Auditor-General why would you tell the minister about it?

Indeed!

**Ms CHAPMAN:** I ask a supplementary question. Given the Attorney's response, does he believe it is appropriate for Treasury to withhold commonwealth moneys from their intended use?

**The Hon. K.O. FOLEY (Treasurer):** I can answer that. Honestly, fancy getting a lecture from the member for Bragg! Fair dinkum, Mr Speaker.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:** I rise on a point of order, Mr Speaker. That is a legitimate question to the government. It is inappropriate for the minister to jump up and make those sorts of assertions.

**The Hon. K.O. Foley:** What a glass jaw! Fair dinkum!

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! I uphold the point of order. It is not appropriate, although it may well be entertaining—and I would understand if people found it so—for the Treasurer to engage in debate which berates the merit of a question. However, this is question time, not debate. It is not about entertainment; it is about providing information. I have no doubt that other honourable members, if they are in any sense sympathetic to the points of view held by the Treasurer, would agree with me that he is an outstanding debater, but question time is not the time to exercise that talent. The Treasurer.

**The Hon. K.O. FOLEY:** Carryover policy is quite simple: where underexpenditure occurs, an agency has to provide arguments and reasons to Treasury as to why that money should be allowed to be carried over into the next financial year. In most cases that has a material negative impact on the starting point of the new financial year. As it relates to commonwealth funding—

**Ms CHAPMAN:** I rise on a point of order, Mr Speaker. Whilst this is interesting, it relates to the previous question. My current question before the house is quite specific: does the Attorney believe it is appropriate for Treasury to withhold commonwealth moneys from their intended use? So, please move on.

**The Hon. K.O. FOLEY:** I have chosen to answer the question by explaining the policy.

*Ms Chapman interjecting:*

**The SPEAKER:** Order! I uphold the point of order. The Treasurer will address the substance of the question or leave it alone.

**The Hon. K.O. FOLEY:** Sir, I was addressing the substance of the question.

**The SPEAKER:** I think you were coming to it.

**The Hon. K.O. FOLEY:** I was saying that as it relates to commonwealth expenditure—

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** Well, that's what I was saying.

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Imagine paying the member for Bragg by the hour as a lawyer; you'd get a crook old bill at the end of the day! Fair dinkum! She just loves the sound of her own voice.

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** As it relates to commonwealth expenditure, the policy there is simple: in most if not all cases we treat commonwealth funding differently from state funding. In most cases, there would be an automatic approval process for the rollover of commonwealth funding. We have

the appropriate mechanism called a negative journal, but that would not necessarily relate in all instances to commonwealth funding. However, if the member wants to give me the specific detail, I am happy to get that specific matter checked back in history.

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** An amount of $300 000 out of a budget of $9 million—I do not know the answer, but I will look at it and get an answer. In most cases, by the definition of commonwealth funding, that money is carried over. That is no better highlighted than with funding such as the Home and Community Care Program, where there is a traditional underspend of that program. As far as I aware, that money is then rolled over to subsequent years. This is not a process of Treasury. If the implication is that a state Treasury is trying to pocket money from a commonwealth agency, that is not a practice I encourage, although, of course, when the former deputy leader was minister for health, he did encourage it. He did it with commonwealth housing money, which he quite neatly pushed into spending on other activities within his agency. That is the only reference I make. I find it a bit galling to be lectured by members opposite when they participated in the mass movement of money in order to hide money from not just state agencies and the state Treasury but, indeed, the commonwealth government.

## PUBLIC SERVICE, SALARIES

**Mr HAMILTON-SMITH (Waite):** My question is to the Premier. How does the Premier explain the increase in public servants earning over $100 000 that has occurred for reasons other than bracket creep? The Auditor-General's Report shows that the total increase in public servants earning over $100 000 is close to 300 positions in the past year. Out of the increase of 300 positions, only 114 of them fall in the $100 000 to $110 000 bracket. As the $100 000 to $110 000 bracket is the only area that can claim to be affected by bracket creep, the increase of the remaining 190 positions is unexplained.

**The Hon. M.D. RANN (Premier):** I find this extraordinary from the people who presided—

*Members interjecting:*

**The Hon. M.D. RANN:** How many tens of millions of dollars did they pay to the consultants who sold ETSA, when this government—

**The SPEAKER:** Order! Can I say of the Premier's debating ability and the entertainment value of it, for those especially who share the views he is expressing, it probably exceeds, in most people's opinion, the ability of the Treasurer. But question time is not an appropriate time in which to exercise that ability. If it is the desire of the Premier or the Deputy Premier, or any other minister or member, to debate these matters, the suggestion that I have made repeatedly is to truncate question time, change the standing orders and provide the opportunity, in a fair environment. It is not appropriate for us to have a standing order and then flout it, whether in asking questions or answering them. That only brings us into disrepute with the very matter which was drawn to our attention at the beginning of today's proceedings: the Joint Committee on the Code of Conduct for Members of Parliament. It is about time to do what we say we will do and to say what it is we will do before we begin to do it. Question time is not for debate. The honourable Premier.

**The Hon. M.D. RANN:** Thank you, sir. I apologise for the tone of my voice. We have had a late night. I will try to be more melodious and moderate. However, I can say, in that spirit, that I think all of us regret the fact that the former government spent tens of millions of dollars—

**The Hon. DEAN BROWN:** Point of order, Mr Speaker: this is debating an issue which was not the subject of the question asked. Therefore, I ask you to uphold your previous ruling because you have just in fact ruled the Premier out of order for the very thing he is now repeating.

**The SPEAKER:** The deputy leader makes a valid point. The Premier needs to know I was not complaining about his vocal abilities. He is probably also very great at arias.

*Members interjecting:*

**The SPEAKER:** Notwithstanding that, it is the substance of the remarks. The Premier needs to address the substance of the question, not the corollary and the obverse of it. As member for Hammond and an ordinary member of this place, as much as the Chair during this parliament, it is my judgment that there ought to be a fair and even opportunity to debate the issues of the day. That is not provided for in standing orders at present under the form of grievance debates that we have. They are too often a waste of time in that the matters canvassed could be done more expeditiously and provide the opportunity in greater number for debates of issues of the moment such as arise during question time. The honourable the Premier.

**The Hon. M.D. RANN:** Thank you, sir; in order to—

**The SPEAKER:** The substance, not the song.

**The Hon. M.D. RANN:** In order to—

*The Hon. W.A. Matthew interjecting:*

**The SPEAKER:** Order, member for Bright!

**The Hon. M.D. RANN:** In order to comply with your request, sir, and indeed your ruling and judgment and wise counsel, I will seek a report on the matter.

## DRIVER SAFETY, FATIGUE MANAGEMENT

**Ms BREUER (Giles):** My question is to—

*Mr Williams interjecting:*

**The SPEAKER:** Order, member for MacKillop!

**Ms BREUER:** My question is to the Minister for Transport. How is the state government supporting driver safety with fatigue management on long distance journeys?

**The SPEAKER:** By not sitting late at night, I hope.

*Members interjecting:*

**Ms BREUER:** And I do a few of them.

*Mr Brokenshire interjecting:*

**The SPEAKER:** Order, the member for Mawson!

**The Hon. P.L. WHITE (Minister for Transport):** Members would know, I am sure, that the government does take seriously the issue of driver safety on our roads. We want to ensure that South Australian roads and the roadside environment is maintained in a safe condition for all users at all times of the year. As families begin thinking about the holiday season, many South Australians will no doubt be considering taking long distance journeys on our highways to get to their destinations.

In response to a recommendation from the Road Safety Advisory Council, my department conducted a review of driver rest areas, primarily targeting the long distance highways that experience the traffic mix most likely to benefit from improved rest opportunities. Those improvements are in the interests of saving lives on our roads and to help drivers manage fatigue particularly. Works are continu-

ing and have been undertaken at approximately 120 rest areas to date. In addition, my department has produced a brochure called 'Your guide to roadside rest areas in South Australia'.

*The Hon. I.F. Evans interjecting:*

**The Hon. P.L. WHITE:** That is important. That brochure is also available electronically on the Transport SA web site and contains comprehensive maps showing the locations of rest areas for cars and trucks on South Australia's principal highways. Driver fatigue is a recognised factor in up to 20 per cent of fatal crashes. The government provides these roadside rest areas for drivers to have somewhere to park safely off the main road and to encourage people to make smarter choices to deal with fatigue and the risk it brings. Members would also be aware of the television advertising campaign that was run tackling driver fatigue, which highlighted to the public the consequence of what is called micro sleeps, and highlighted the need to take frequent breaks, to share the driving and to eat proper meals. These are considerations of which all members of the public should be aware because fatigue is one of the factors that contributes to fatalities on our roads. It is a very serious matter and all members of this house, too, should be urged to drive with safety.

## POLICE, TEA TREE GULLY

**Mr BROKENSHIRE (Mawson):** Will the Minister for Police advise the house when the government will respond—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**Mr BROKENSHIRE:** —to the requests of the residents and the business people from the City of Tea Tree Gully and ensure the operation of a police patrol base in their area before the expiry of this term of parliament?

**The Hon. K.O. FOLEY (Minister for Police):** Oh boy, oh boy! Eight years in government, he was the police minister, and did nothing, sir.

**Mr Brokenshire:** I built them.

**The Hon. K.O. FOLEY:** He built them? One thing I can say with absolute confidence is that the member for Wright has been pressuring me for about the last four years about the need for policing in Golden Grove. What we have—

*Members interjecting:*

**The Hon. K.O. FOLEY:** Sir, can I please have some protection. They either want to hear the answer or they do not, quite frankly.

**The SPEAKER:** Yes, you can have the protection. The member for Mawson and the member for Bright will come to order. It is not an Abbott and Costello show.

**The Hon. K.O. FOLEY:** I find it comical that I am asked a question as to why I have not built a police station by a bloke who was a minister and who never built the police station. Since coming to office, we have been building police stations. My colleagues, perhaps, are not as absolutely delighted as one would expect them to be with me, and that sort of makes sense, because we are building police stations in Gawler, Victor Harbor, Mount Barker and at Port Lincoln. We are building them in Liberal electorates, admittedly—

*Members interjecting:*

**Mr BROKENSHIRE:** I rise on a point of order relating to relevance. The question was specific: when is he is going to build something in Golden Grove?

**The SPEAKER:** When the incumbent in the chair rises, honourable members will resume their seats. I understand the point of order taken by the member for Mawson. Again, the opportunity to debate the matter should be provided for in standing orders, and we could be well into such debates if we were to have a half a wit and amend standing orders in such a way that would enable us to do so. The Minister for Police has the call, and the question was about Tea Tree Gully and, again, notwithstanding the interest, it has no place in an answer to a question of that nature.

**The Hon. K.O. FOLEY:** I only differ on this point; I was explaining that the reason we have not as yet been able to assess and make a final determination on other police stations is that we have had a significant capital program to build—

**The Hon. W.A. Matthew:** New electorate offices.

**The SPEAKER:** Order, the member for Bright!

**The Hon. K.O. FOLEY:** Sorry? New electorate officers for whom? Oh, they want to raise electorate offices, do they? Oh, boy oh boy! Do we want to know about the bookcases from the member for Bragg again—the maple and timber bookcases?

**The SPEAKER:** Order! There are no circumstances in which it is appropriate for a minister to reflect on any other member and their privileges and responsibilities in representing their constituents. The facilities that are provided as they stand at present are provided by the executive, where they ought better be provided by the parliament in such fashion as would prevent any minister or other member of the government from having any knowledge of what might or might not be occurring in members' electorate offices.

It is highly disorderly for the Treasurer to be referring to particular members and what goes on in their electorate offices. The Treasurer has a great responsibility of trust. It is equally highly disorderly for any member to make remarks whilst a minister is answering a question. That can cause only further disorderly conduct and bring us into even greater odium, against what we have already set out to establish through the Joint Committee on a Code of Conduct for Members of Parliament, the final report of which we received today. I say simply to those members who are constantly offending against the standing orders: grow up!

**The Hon. K.O. FOLEY:** Thank you, Mr Speaker. I take note of your wise counsel, sir, and I simply make the point that I discharge my role as Treasurer as it relates to electorate offices without bias and as appropriately and as financially prudently as I can. I hope that all members would attest to that—and long may I continue to have that responsibility!

**The SPEAKER:** Order! The Treasurer will come to the question in hand.

**The Hon. K.O. FOLEY:** The backlog of the need to build police stations is such that the government has been busy building them in Liberal electorates, because we do not make a distinction in the electoral fortunes of an area when we decide the need for police stations. As police minister, I work on the advice of the Police Commissioner, because I respect and regard highly the Police Commissioner of this state, and it is not for me—and I do not think it right for government—to overtly and overly interfere in judgment calls on where police stations should be located.

As I said to a media outlet recently, following consistent, intensive and demanding lobbying from the member for Wright, a few months ago I asked the Police Commissioner to provide me with a report—

*Ms Rankine interjecting:*

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

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** The Minister for Infrastructure is out of his place and out of order.

**The Hon. K.O. FOLEY:** Thank you, sir. He is very much out of his place. The Commissioner of Police has provided me with a report, following intense lobbying by the member for Wright—

*Ms Rankine interjecting:*

**The SPEAKER:** The member for Wright is warned.

**The Hon. K.O. FOLEY:** —to consider matters concerning policing in the north-eastern suburbs. I prefer to act on the advice of the Police Commissioner in these matters. I received a report and some advice from him, and we are now considering that as it relates to policing in the north-eastern suburbs. In fact, the shadow minister shakes his head, but I think that I am right in saying that we had a discussion with the shadow minister about policing in his own area. Exactly—he puts his thumb up and acknowledges that the Police Commissioner, or his officers, has discussed policing issues in his electorate as they relate to police stations.

I can hardly be criticised for not attempting to have a fair and even-handed manner in administering the vital police portfolio. I will not go down the road of the former minister, the member for Mawson, in overtly interfering in the operation of the police.

**The SPEAKER:** Order! The answer required does not need the minister to canvass what the former minister did.

## CODE OF CONDUCT

**The Hon. G.M. GUNN (Stuart):** My question is directed to you, Mr Speaker. Will you give an assurance that the Parliamentary Library will not again be used for blatant and misleading political purposes, as was the case at the last state election, when the Parliamentary Library's good name was used to compile misleading and scurrilous material against me? I seek your leave, Mr Speaker, and that of the house, to explain my question—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.M. GUNN:** —with the concurrence of the Attorney-General, who may have been the Labor member who sought this material.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.M. GUNN:** I wrote to you on 24 February, and I had correspondence with your office on 6 June 2002 and 24 October 2002 in relation to this matter. The material was given authenticity because it bore the reference of the Parliamentary Library. Further examination of this document, which alleged that I was entitled to $1.3 million in superannuation, has proved that it is false and misleading and that the library was used for blatant political purposes. Would you please inquire, sir, who was the Labor member who went there and got it?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** I will cop a ruling from you, sir, that we are debating our answers, but I think that an argument put forward in a question like that should be ruled out of order.

**The SPEAKER:** Indeed, the entire question is out of order, and the member for Stuart, as a former speaker, would know that. He has had my assurance (that of the chair) that, in so far as it is possible to do anything about it, the chair has, and that his further complaint needs to be placed before the Joint Parliamentary Service Committee, which has the responsibility in law to deal with the inquiry. The Attorney-General.

**The Hon. M.J. ATKINSON (Attorney-General):** I seek leave to make a ministerial statement.

**The Hon. DEAN BROWN:** Before that occurs, Mr Speaker, I rise on a point of order. The opposition has had nine questions. I understood that it was a commitment of the government that we have 10 questions each day.

**The SPEAKER:** The deputy leader makes a valid point. The time has expired. It is not in the hands of the chair to do anything about that: it is in the hands of the house itself.

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** I move:

That question time be extended to allow one further question from the opposition.

**The SPEAKER:** Is that motion seconded?

**An honourable member:** Yes, sir.

**The Hon. P.F. CONLON (Minister for Infrastructure):** Sir, I would like to speak to the motion. I would like to indicate that we support it on the basis that they do no harm with their questions.

Motion carried.

## DISABILITY FUNDING

**Mrs REDMOND (Heysen):** Thank you, Mr Speaker.

*An honourable member interjecting:*

**Mrs REDMOND:** So do I. Will the Premier explain to the house his position on the crisis in disability funding that has been highlighted by the opposition, parents and media over the past six months? The coordinator of the Dignity for the Disabled campaign, Mr David Holst, has written to the Premier and Chief of Cabinet asking that he publicly state his position on the crisis in disability funding. The Minister for Disability stated at a public meeting on 22 August that waiting lists for the disabled in South Australia were critical and needed support; and he further stated that any support would depend on what cabinet thought.

*Dr McFetridge interjecting:*

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

**The Hon. J.W. WEATHERILL (Minister for Disability):** I can assist the house. The Premier's position is to support me in my role in trying to find a solution to a crisis with which we were left. As I said in the house just yesterday, as one of his parting acts the former minister for disability announced that he had put record funding into disability services. In fact, we have increased that funding by 16.8 per cent which, I suppose, suggests that we have created a new record. That is not the answer because, as the former minister noted, there was something like $27 million of unmet need, unmet demand, in the system.

There are massive demands in this large and growing sector of public expenditure. The shameful thing about the previous approach was that, with respect to those statistics that were published with respect to unmet demand, the previous minister cooperated in a national decision no longer to publish those figures. That has been the response. We are grappling with this crisis, and the previous government sought to cover it up. That is the consistent theme of how we deal with human services in this state.

We are rebuilding our health system and rebuilding our child protection system. We now turn our attention to the system of disability services, and there is much to do. There is no doubt that there is much to do, but we will not be assisted by the hypocrites opposite.

**The SPEAKER:** Order! The minister will withdraw the last allegation—it is unparliamentary—and, in the process of doing so, apologise.

**The Hon. J.W. WEATHERILL:** I withdraw the last allegation, sir.

**The SPEAKER:** And, in the process of doing so, apologise.

**The Hon. J.W. WEATHERILL:** I apologise to anyone who has taken offence. Perhaps I could just explain.

**The SPEAKER:** No; it is without condition. No honourable member may refer to any other member as a hypocrite. It is unparliamentary and has been for longer than I have been alive.

**The Hon. J.W. WEATHERILL:** Can I just ask a question, sir? The member for Heysen, I think, was reported publicly as making a similar remark about my contribution and that of the government. Is it appropriate that the member for Heysen withdraw on the public record?

**The SPEAKER:** If the member for Heysen said that in the chamber, then it is appropriate that the point was taken at that time. If she said it outside, as the minister would know, he should sue.

**The Hon. DEAN BROWN:** I rise on a point of order. I have not yet heard the minister apologise and withdraw.

**The SPEAKER:** He did.

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## CROWN SOLICITOR'S TRUST ACCOUNT

**The Hon. M.J. ATKINSON (Attorney-General):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.J. ATKINSON:** I desire to use this statement to answer fully a question asked by the Leader of the Opposition in question time. He asked me who was the head of the justice portfolio at the time that a transfer of unspent funds was made into the Crown Solicitor's Trust Account. The innuendo of the opposition's question was that that person must have been responsible for this unauthorised transaction. I replied that the acting head of the department at that time was Mr Bill Cossey, a well-respected public servant whose career had been in the Courts Administration Authority. However, I do not want to give substance to the opposition's innuendo that Bill Cossey was responsible for an unauthorised transaction.

**The Hon. R.G. KERIN:** I rise on a point of order. For the second time today, the Attorney has tried to have us put a slight on Bill Cossey. The question was not about who was the acting CEO at the time; it was about who put the money in the trust account. He has misled.

**The SPEAKER:** Notwithstanding what the Leader of the Opposition has said, the fact is that the Attorney-General must not impute improper motives or opinion to other members where that has not been expressed. To my certain knowledge, that is not the case. The Attorney-General has the call.

**The Hon. M.J. ATKINSON:** The Contala report, to which I referred yesterday in question time, states:

> There is no documentary evidence of Bill Cossey's being involved in any transfer of funds to or from the Crown-Solicitor's Trust Account.

During the period after Ms Kate Lennon left the justice portfolio, all transfers from the Attorney-General's Department to the Crown Solicitor's Trust Account were signed in by the Chief Financial Officer. It is important to add that that officer has been suspended pending a Public Sector Management Act investigation.

**The Hon. M.D. RANN (Premier):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.D. RANN:** In making a ministerial statement, I intend now to table a minute from the Chief Executive of the Department of Premier and Cabinet and Cabinet, Mr Warren McCann, dated 26 October which states:

> RE: THE FUNDING TRANSFERS FROM THE SOCIAL INCLUSION UNIT TO THE CHIEF EXECUTIVE OF THE DEPARTMENT OF SOCIAL JUSTICE
>
> I gave no instructions to Kate Lennon to deposit funds transferred to the Department of Social Justice from DPC into the solicitor's trust account.

It is signed Warren McCann, Chief Executive.

*Members interjecting:*

**The SPEAKER:** Order! The Premier has leave.

**The Hon. M.D. RANN:** In question time today, the Leader of the Opposition asked me two questions in relation to the amount of $445 000, which the former chief executive of the Department of Justice transferred into the Crown Solicitor's Trust Account, a transaction which has been the subject of adverse comment by the Auditor-General in his report to this parliament.

I have been advised that the amount of $445 000 was sent to Ms Lennon as Chief Executive of the Department of Social Justice on 24 May 2004 by the Executive Director of the Social Inclusion Unit. A transfer of the payment was formally approved by the Chief Executive of the Department of Premier and Cabinet, as he is the only officer within the department with the delegated authority to cover this amount.

There is absolutely nothing improper in that. He wanted the social inclusion money to go out to the departments. Those funds were part of an amount of $28.4 million to be spent over four years for the school retention action plan. The approval provided the Department of Premier and Cabinet with appropriation and expenditure authority. The funds were disbursed to the agencies involved in the program in accordance with the decisions made by the chief executive's coordinating committee for school retention. I understand Ms Lennon was a member of that coordinating committee which endorsed the funding arrangements.

The amount of $445 000 was provided to the Department of Families and Communities for programs relating to assertive case management for high risk children under the guardianship of the minister. In transferring the funds, I am advised that it was made clear to the agencies receiving the funds that they were responsible for the accountability for the expenditure of the money and for negotiating any carryover arrangement with Treasury.

Let me repeat that, because you are required to negotiate the arrangements with Treasury: in transferring the funds, I am advised that it was made clear to the agencies receiving the funds that they were responsible for the accountability for

the expenditure of the money and for negotiating any carryover arrangements with Treasury.

In a minute dated 1 March 2004 to Ms Lennon as Chief Executive, the Executive Director of the Social Inclusion Unit drew Ms Lennon's attention to the carryover arrangements for funding under the school retention action plan—quite appropriately! Ms Lennon was advised that lead agencies were required to negotiate the carryover of any initiative funds from 2003-04 with Treasury as part of the bilateral process. I know the bilateral process is something that I expect will be breaking news.

I am advised (and I have tabled the minutes) that the Chief Executive of the Department of the Premier and Cabinet did not authorise and was not aware of Ms Lennon's conduct in depositing the money in the Crown Solicitor's Trust Account. That decision was made, I am advised, by Ms Lennon in breach of the Treasurer's Instructions and in breach of the Public Finance and Audit Act—which, of course, has already been the subject of debate and also a ruling by the Auditor-General.

**The Hon. M.J. ATKINSON (Attorney-General):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.J. ATKINSON:** Further to my statement a few minutes ago about Mr Bill Cossey, the statement from Ms Deb Contala is not from her report but was given to my Chief of Staff only a few minutes ago.

### CRIMINAL LAW (LEGAL REPRESENTATION) ACT

**The Hon. M.J. ATKINSON (Attorney-General):** I seek leave to make a further ministerial statement.

Leave granted.

**The Hon. M.J. ATKINSON:** When the Criminal Law (Legal Representation) Act 2001 was passed on 26 July 2001, the then Deputy Premier committed the Liberal government to a review of its effect on financially associated persons. The act came into operation on 11 February 2002. Although not bound by the former government's commitment, I have honoured it because it acknowledged concerns expressed by some members of the Labor opposition about the effect the act might have on financially associated persons.

By way of background, let me say this. In any application for legal aid under the Legal Services Commission Act, an applicant's capacity to pay is assessed by reference not only to his or her own assets and income but also to those of people or entities with whom he or she has a relationship of financial support, called 'financially associated persons'.

This is how legal aid works throughout Australia. A grant of aid may be conditional upon a financially associated person consenting to a statutory charge over his or her real property to secure repayment of legal aid costs. If the financially associated person does not agree to help the applicant pay for his or her legal representation, the commission may simply refuse the application. By contrast, the Criminal Law (Legal Representation) Act obliges the commission to pay for the legal representation of people who are to be tried with serious offences, even though they would not ordinarily qualify for aid under the Legal Services Commission Act, unless they choose to pay privately for their legal representation or to self-represent.

People assisted in this way are called category 2 assisted persons. A grant of aid to a category 2 assisted person is made on strict terms. The financial affairs of the assisted person and anyone financially associated with him or her is subject to intensive scrutiny by the commission. Certain transactions may be set aside and property secured or sold and the proceeds applied directly to paying the cost of the assisted person's legal representation. The review of the act's effect on persons or entities financially associated with category 2 assisted persons covers the first two years of the act's operation (11 February 2002 to 11 February 2004). The Director of the Legal Services Commission has reported that during the first two years of the operation of the act:

1. The commission has been able to obtain all the information it needs from persons who are financially associated with category 2 assisted persons without recourse to any of the investigative or financial retrieval powers conferred by the act. Indeed, in the two most prominent cases in which the financially associated person has significant assets, that person gave consent to a statutory charge.

2. The commission has not made any of the applications to the court in respect of financially associated persons that the act allows, or been a party to any such application.

3. No arrangements have been made under the act for the Treasurer to reimburse the commission for costs of assistance that exceed the criminal law funding cap. For this reason, the effect on financially associated persons of the exercise of the commission's rights of recovery of a contribution from them in over-cap cases is not known.

The review shows that the act is working as intended for financially associated persons. The special investigation and recovery measures in the act, in so far as they apply to financially associated persons, are to be used as a last resort.

## GRIEVANCE DEBATE

### BARLEY SINGLE DESK

**Mr VENNING (Schubert):** Today during question time the Premier, in answer to a question from the member for Enfield, said that the government was moving to support barley marketing in South Australia and, in particular, the single desk marketing arrangement. I declare that I am a barley grower and therefore a member and shareholder of the new ABB Grain, as are all other grain growers. I fully support and welcome the Premier's comments today, as I have always supported the principle of statutory bodies collectively marketing via a single desk system. However, why has it taken so long, and why is the Premier and not the hapless minister responsible for primary industries doing the work and making this announcement today?

The Premier has completely creamed his minister, dudded him, by making an announcement over the top of him. The minister has been fumbling with this issue for at least six months, even after we on this side of the house and the industry offered bipartisan support and advice. All the minister could say was that he could not convince or persuade the NCC that the single desk would be of net benefit to South Australia. He refused to commit more funds to the Round Report when it was unable to come up with its conclusions because of a lack of resources. He would not commit a single dollar even though the committee said that it could not conclude its work without more financial resources.

When pressed about it, the minister said—and it is well reported—that, if the farmers wanted to keep their single desk, in relation to the loss of the competition payments to

the South Australian government the farmers would have to pay it themselves. I say again: 'You will have to pay it yourself.'

**The Hon. M.R. Buckby:** We are talking about $3.2 million.

**Mr VENNING:** Yes, $3.2 million. That was on the front page of *The Stock Journal*. Did that cause a stir, and it still is! Indeed, it has caused the minister no end of damage. When pressed on the issue, all the minister would say is, 'It is over to you,' which he has said so many times that it is now his motto. Why did the minister not do what the Premier has just done; that is, have a meeting with the federal Treasurer and resolve the matter? You would not have to be too bright to work out the politics involved to ensure the result we have seen today. I support what the Premier has done; it is what we have been asking the minister for primary industries to do for over six months. The minister even introduced a bill to this place to change the Barley Marketing Act. Many of us spent much time studying all the different models, and I and others went to Western Australia to study their Grain Licensing Authority (GLA). All this time, effort and anxiety could have been avoided.

It is true that we do not have confidence in the minister, and apparently nor does the Premier. Why did he not let the minister announce this today? It was because he was not confident that the minister would get it right. The Premier has deliberately upstaged his minister, but, more importantly, he has come up with the result we all require. The hapless minister has been dudded; creamed by his Premier. I do not often attack members or ministers in this way—

**The Hon. M.J. Atkinson:** You do it all the time; you've been doing it for 15 years.

**Mr VENNING:** I don't. But, minister, welcome to the real world. If you roost with turkeys, you will act like one; and you have been served up. I suggest the minister considers his position and what has happened here.

**The Hon. M.J. ATKINSON:** I rise on a point of order, Mr Speaker. My understanding is that it is the invariable practice of British parliaments that it is unparliamentary to compare any member with an animal of any kind, and I ask the member for Schubert to withdraw and apologise.

**The SPEAKER:** Order! It is not unparliamentary, but it is unbecoming. The minister may wish to take the point himself, being in the chamber.

**Mr VENNING:** I am happy to withdraw that remark. I only used that as a term that is commonly used out there, but I withdraw it in this case.

**The Hon. M.J. Atkinson:** There are a lot of terms used out there that we do not use in this place.

**Mr VENNING:** I believe that the Premier has—

**The SPEAKER:** Order! The member for Schubert and the Attorney-General will not quarrel over the matter. I have to tell the house that I do not regard the remark made as being edifying, but neither do I regard it as being as offensive as terms such as 'grub', which I have heard mentioned as a description of honourable members by certain other members in this place. The member for Schubert.

**Mr VENNING:** In the last moment I have left, I want to say that the Premier wanted the glory for himself and, as a minister, the member for Mount Gambier was expendable. He got lost in the Premier's wake in his delivering the good news, as he always does. I hope the minister can learn from this. All I can say is that the final result is as we wished, and I welcome the decision. I have some sympathy for the minister, but it is his own fault.

## NORTHFIELD PRIMARY SCHOOL

**Mrs GERAGHTY (Torrens):** Around this time last year, I had the great pleasure of congratulating reception students at Northfield—

**The SPEAKER:** Order! The member for Schubert and the Minister for Agriculture, Food and Fisheries will not quarrel in the chamber. They may choose to exchange pleasantries in the lobby. The member for Torrens has the call.

*Mr Venning interjecting:*

**The SPEAKER:** Order!

**Mrs GERAGHTY:** I had the pleasure of congratulating the reception students at Northfield Primary School on their excellent result in the national maths competition challenge. The Northfield reception students took out the top honour in the national competition for their age grouping, coming first in the nation for their project work. As I recall, this involved using their maths skills to sort out the types of food they ate for recess and lunch and then graphing the results. I am delighted to once again have the opportunity—

**The SPEAKER:** Order! The member for Schubert is sailing close to the shoals, where he fails to acknowledge the chair, in defiance of a reminder given earlier this day, as he crosses the chamber, and equally with vigour to pursue his exchange of opinion—being the kindest words I can find to describe the actions—with the minister and, in doing so, to remonstrate between the house and its precincts across the barrier that is put there to define where the chamber begins and the outside world ends. The honourable member for Schubert knows better than that. The honourable member for Torrens will not suffer a time penalty.

**Mrs GERAGHTY:** Thank you, sir. I appreciate the fact that you have said that I will not suffer a time penalty. However, I choose not to continue the grievance now, because I am exceptionally proud of the results that the children at Northfield have achieved. It is something that we would like to be able to share with other schools and with the parents of those students. So I think I will have my grievance another day when perhaps I will not be so rudely interrupted.

**The SPEAKER:** Order! I trust the honourable member was not reflecting on the chair.

**Mrs GERAGHTY:** No, sir, absolutely not, but on one of our honourable members.

## SCHOOL RETENTION RATES

**The Hon. M.R. BUCKBY (Light):** I rise today to highlight a very interesting change in terminology by the current Minister for Education in relation to year 12 retention rates. Yesterday in answer to a question from the member for Torrens, the Minister for Education said:

> The new school retention figures for 2004 show that 70 per cent of students continued between year 8 and year 12. This is the highest result, as I said, for seven to eight years. This apparent retention rate for full-time equivalent students has been under 70 per cent since 1996. . .

In my mind, 'full-time equivalent students' means full-time students and part-time students when you talk about full-time equivalents. I find it very interesting that the government has adopted the argument that the previous government and I as the previous Minister for Education said long and hard but which the current Premier, then Leader of the Opposition and the current opposition spokesman on education, flatly refused to accept; that is, the true school retention figures are those of full-time and part-time students. When in opposition the

current government, the Labor Party, chose not to accept that, but now I find it fascinating that they wheel out a figure of 70 per cent of full-time equivalent students.

Sometimes you have to wait to be proven correct, and this is one of those times. It shows the lengths to which the former opposition would go to deny what is there for purely political causes, rather than actually accepting and acknowledging the level of students completing year 12. So I just make that point. I find it very interesting that we are now on full-time equivalents: an argument that I was putting forward as Minister for Education at the time but which the then opposition would not accept and went to great lengths, both in this house, in *The Advertiser* and any other medium they could get their hands on, to say that our retention rate was 58 per cent, which only related to those full-time students; whereas at the time we had some 25 per cent up to 27 per cent of our students undertaking year 12 on a part-time basis.

The second issue that I wish to raise is that of the current issue regarding shop trading hours and the work of shop assistants in the four day break. I am probably going to be at odds with my side of the house here. I find it very interesting that on the one hand there is an argument that those people who work for lawyers, for accountants and for all those other businesses that close for that holiday period should have those four days off, but suddenly the argument is not valid that those people who work in the retail industry should also have those four days off.

I do not accept the argument that they do not deserve those days. Those shop assistants work extremely hard, under very pressured conditions, running up to Christmas, with the thousands of people who come into the shops. Not only that, but they deserve that four day break afterwards to be able to relax with their families, the same as we do with our families when we take the four day break this year as public holidays.

I also find it very interesting that the shop owners are calling for this. When we go back to the shop hours debate, suddenly thousands more people were going to be employed, and shops were going to be open for far longer hours. Yet, I would suggest, sir, that if you have a quick walk down Rundle Mall at 6.30 p.m. I challenge you to find any shops, apart from MacDonalds or those sorts of shops, that are still open at that time. There are very few indeed, whereas we had a great hue and cry from the major traders about how this would open up trading. It was said that tourists would be able to shop all hours of the day and night when, in fact, trading hours have not changed one dot. As I said, I fully support the shop assistants. They deserve a break, just as we do, and I think the government is right in this issue.

## ST HILARY'S ANGLICAN CHURCH COVENANT

**Ms THOMPSON (Reynell):** I rise to draw to the attention of the house another Australian first that has occurred in the electorate of Reynell—the signing of a partnership covenant between St Hilary's Anglican Church and the Christie Downs Community House. The Right Reverend Ross Davies, Bishop of the Murray, has made extensive inquiries and has not been able to find such a partnership having been established anywhere else in Australia.

This partnership, in broad terms, brings together volunteers from St Hilary's Anglican Church, and the volunteers and board of the Christie Downs Community House, to work together to break down social isolation, to provide opportunities for education, socialisation, relaxation and entertainment for members of the community, particularly those in Christie Downs. It also provides that a tithe of the turnover of St Hilary's op shop will be provided to the Christie Downs Community House for their use.

It is quite remarkable that these two organisations should come together in a formal way. This is a commitment from St Hilary's to provide volunteers to the community house and a formal agreement about the conditions. For instance:

> The parish shall respect the centre's secular role in society without equivocation, and will not deliberately seek to evangelise, proselytise, preach, or in any way attempt to convert the centre's staff or participants to the Christian faith.

This is being done purely out of the church's view that it has to enter into partnership with the community, and St Hilary's has now adopted the motto of 'The church in partnership with the community' and has also adopted this as its mission. It is on each pew sheet every Sunday, it is on the letterhead, and it is in the newsletters, etc. Further conditions of the covenant include:

- A member of the parish shall have the privilege of being nominated to the board.
- A member of the centre shall have the privilege of being an observer on the Parish Council and be given the right to speak on matters pertaining to the Partnership Covenant.
- The parish shall make available to the centre its ministry centre.

That comes with the condition that Christie Downs Community House covers the insurance costs for any of its activities. This opens up the venues available to Christie Downs Community House to exercise its excellent work in the community into yet another area.

In listening to both Father Stephen Brooks, the outgoing parish priest of St Hilary's, and the Reverend Ross Davies, it was sad to hear that, as the church tried to find a way to extend its ministry into the community, it felt tainted and corrupted by the sexual abuse issues that have surrounded the Anglican Church. St Hilary's did not set out to overcome these problems by doing good, but it felt that it was necessary to recognise that perhaps people would not want to go to the church at this stage, so it was important for it to go to the community.

I wish to commend all the people involved in this innovative commitment. In addition to the bishop and the priest, I commend the Churchwarden of St Hilary's, June Bradley-Sperryn, and the Chair of the Christie Downs Community House, Bubs Lioret, and its Community Development Officer, Ellen Jezierski. The community centre celebrated its 10th birthday at the time of the signing, and it has shown outstanding growth in that time. The receipts of the first Christie Downs Community House AGM balance sheet were $481.74. In 10 years, the community house has grown, such that its income this year was $187 942.49. That is exceptional growth, and I am pleased that the parish of St Hilary's will be sharing in developing that even further.

**The SPEAKER:** I crave the indulgence of the house and acknowledge the accuracy of the remarks made by the member for Reynell. As an Anglican and a member of the diocesan council, I commend Bishop Ross for not only being first in this instance but also for being the first in a practical way to require anybody seeking a licence as a priest in the diocese to obtain a police clearance with respect to their conduct to ensure that they are not in bad standing anywhere for anything.

I think that the house is well advised to acknowledge when organisations in the community, such as the Murray Diocese,

collaborate with other members of the community without fear, favour or prejudice, other than they pursue the common good.

## MAXWELL, Mr K.

**Mr BROKENSHIRE (Mawson):** I take this opportunity to put on the public record of South Australia and the parliament my appreciation, and that of our community, of the magnificent life of a special man in the region of McLaren Vale, namely, Ken Maxwell, who sadly passed away on 12 February this year at the age of 88. Ken Maxwell was typical of the generation of winemakers who did it tough initially. However, through energy, commitment and the support of his lovely wife, Margaret, and later his son, Mark (who has many talents in the wine industry), he built up an extremely successful winery operation in the McLaren Vale district. Prior to the development of Maxwell Wines (a partnership between Ken Maxwell, his wife Margaret and his son, Mark) Ken Maxwell was also involved in the wine industry through Daringa. This year—sadly the same year that Ken passed away—is the 25th year of the ongoing success of Maxwell Wines.

I have often walked or ridden my bike along the old walking track near the railway line at McLaren Vale. Ken and Margaret lived at the site of the original winery, which backed onto the old railway line, and you would often see him moving around the garden, chatting to Margaret in the kitchen, or just enjoying the lovely environs of the McLaren Vale region. I know that Ken Maxwell was committed to the basic principles of the party I am elected to represent in our community. He was very typical of the quality of person who came to build up the world-class wine region of McLaren Vale—one that continues to grow market opportunities not only throughout Australia but worldwide, winning gold medals in even the most competitive wine-making countries in the world.

I noted that Ken particularly enjoyed the opening of the new winery just a few years ago, which I also had the pleasure of attending. It is located at the township of McLaren Vale and is a stunning, modern winery with high technology, leaving nothing to be desired with respect to design and building materials. It is a first-class winery, restaurant and cellar door outlet. Ken Maxwell was a man of many talents. As I said earlier, he had to do it the hard way. Like all his generation, he had to struggle through the years of war and the Depression, but they learnt that, if you applied yourself and you were committed to and believed in your goals and dreams, you could achieve them. Today, we see many people employed, directly and indirectly, at Maxwell Wines. Ken was talented not just in the wine industry. I understand that only last year he was making his famous horseradish. He was also well known for the Maxwell Mead, and I thoroughly recommend anyone who was not had an opportunity to try one of those magnificent meads to do so.

Whilst it has been a difficult time for the Maxwell family to say goodbye to Ken, his legacy will live on in perpetuity, as we see further opportunity for the growth and development of Maxwell Wines. I know that Mark is very committed to that, and he has the calibre and qualities that he has inherited from his father. Together with his mother and his family, he will continue to grow Maxwell Wines.

This is just one example of the great work happening in the privately owned wineries of McLaren Vale and of the economic viability and the many jobs that have been created. The enjoyment of fine food and wine in the Food Fiesta this month on the Fleurieu Peninsula can all be attributed to these pioneers who had vision and who turned that vision into reality. We are now seeing that go through the generations. We are seeing more job opportunities being created in our wine industry through Mark Maxwell (the next generation) and other generations equivalent to Mark. They are all employing young people and capitalising on the commitments of fine people such as Ken Maxwell.

## FEDERAL ELECTION

**Mr KOUTSANTONIS (West Torrens):** Today I want to talk about the federal election. I was misquoted on radio by former senator Chris Schacht, who said that I claimed that the Labor Party had received 49 per cent of the two party preferred vote in South Australia. I did not say that. I said that in metropolitan Adelaide the Labor Party had achieved 49.94 per cent of the vote. The figure is actually 50.12 per cent. In this state I believe that there is a gerrymander.

I believe that in this state the Labor Party and Labor voters are being disfranchised by the Australian Electoral Commission and its maps. I understand from the latest counting that, in metropolitan Adelaide, the Labor Party has achieved 50.12 per cent of the two party preferred vote in South Australia; that is, we won the election in metropolitan Adelaide. I accept that, overall—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr KOUTSANTONIS:** I accept that the Labor Party did not win the two party preferred vote in South Australia, but I want to give the house a quick breakdown. Out of the so-called metro seats, the Electoral Commission classifies Adelaide, Hindmarsh, Port Adelaide, Boothby, Kingston, Makin and Sturt as metropolitan seats. It excludes Mayo and Wakefield. Wakefield, as a percentage of the population, is overwhelmingly a metropolitan seat, although it is not included. Out of those seven seats (Adelaide, Hindmarsh, Port Adelaide, Boothby, Kingston, Makin and Sturt), the Labor Party achieved 50.12 per cent of the vote, that is, excluding Wakefield and Mayo.

The Labor Party achieved only 42 per cent of those metro seat votes and the Liberal Party 57 per cent. Of those seven seats, only one Labor seat is considered by the AEC as safe Labor and two are considered safe Liberal, that is, Boothby and Sturt. The remainder (Adelaide, Hindmarsh and Makin) were considered by the AEC to be marginally Liberal and one marginally Labor. What has happened is that, by excluding Wakefield and Mayo, the AEC has basically gerrymandered the Australian Labor Party. It abolished a safe Labor seat of Bonython to establish a seat of Wakefield, and then claimed in its report that it was notionally Labor.

We now know by looking at the assumptions made by the AEC that that was wrong: it was notionally Liberal. The AEC has made assumptions about voting patterns in electorates, and it claims them to be either notionally Liberal or Labor. One example of what I think is a false assumption of the AEC is the federal seat of Hindmarsh. The assumptions made by the AEC with respect to Hindmarsh were fundamentally wrong. It made assumptions about voting patterns on the dog leg that it added onto Hindmarsh along the coastal strip. The AEC was out by 14 per cent. That seat was made safe for Liberal.

Basically, the AEC is saying to the South Australian community that, for the Labor Party to achieve the same

result as the Liberal Party, it would have to get over 57 per cent of the two party preferred vote. We need to get 57 per cent to win seats, which means that we still would not win any rural seats: we would not win Mayo, Barker or Grey. The AEC has basically gerrymandered the Labor Party into making sure that, no matter what our voters say, we cannot achieve a fair proportion of our seats in this state.

It is entirely unfair; it is gerrymandered. I am not complaining about losing the election. I accept that we lost the election, but I am saying that the Labor Party in metropolitan Adelaide outpolls the Liberals, yet we win only three seats by the slimmest of margins.

**The Hon. M.J. Atkinson:** In two of them.

**Mr KOUTSANTONIS:** In two of them. That is a gerrymander by anyone's standards. For the AEC to claim that Wakefield is not a metro seat is also an outrage. If we include Wakefield and Mayo as rural seats we get 33 per cent of the seats in this state achieving a majority of the two party preferred vote. It is a complete outrage. On the AEC figures—

*The Hon. M.J. Atkinson interjecting:*

**Mr KOUTSANTONIS:** The Attorney-General interrupts me. We do receive the majority of the two party preferred vote in metropolitan Adelaide.

Time expired.

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## CRIMINAL LAW CONSOLIDATION (CHILD PORNOGRAPHY) AMENDMENT BILL

**The Hon. M.J. ATKINSON (Attorney-General)** obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and to make consequential amendments to the Summary Offences Act 1953. Read a first time.

**The Hon. M.J. ATKINSON:** I move:

That this bill be now read a second time.

The bill will make amendments to the Criminal Law Consolidation Act and consequential amendments to the Summary Offences Act. The amendments will move the child pornography offences from the Summary Offences Act into the Criminal Law Consolidation Act, the aims of the provisions being the protection of children from exploitation, degradation and humiliation remain. Child pornography is a heinous exploitation of children, and the demand for such materials fuels its production and supply. The purpose of these amendments is to reduce and, as far as possible, eliminate the possession, production, supply and sale of child pornography.

These amendments will increase the penalties for the offence of possession of child pornography and for the production or dissemination of child pornography. The bill will introduce new offences of procuring and grooming a child for the purpose of engaging in sexual acts, and filming or photographing children for prurient purposes. The increase in penalties for child pornography offences is in line with moves in other jurisdictions to increase penalties for these offences.

The penalty for the production or dissemination of child pornography will increase to 10 years maximum imprisonment. The penalty for possession of child pornography will increase to five years maximum imprisonment for a first offence, and seven years maximum imprisonment for a subsequent offence. In determining whether an offence is a subsequent offence, all previous offences involving child pornography will count.

The bill broadens the definition of child pornography to include material that is intended, or apparently intended, to excite or gratify sexual interest, as well as a sadistic or other perverted interest in violence or cruelty. This will allow for the prosecution of offences where the material may be highly offensive but not overtly sexual. There is a defence in the bill so that publications, films or computer games that have been classified by the Classification Board, apart from those that are refused classification, will not be part of the definition of child pornography. I am concerned by the use of the word paedophile, and prefer to use the word pederast. The Greek origins of the word paedophile come from the combination of 'child' and 'like' or 'friendship'. I lament the loss of innocence of the word paedophile and prefer to use the term pederast to describe the sexual exploitation of girls and boys.

I seek leave to have the second reading report, which explains the background to these reforms and the amendments contained in the bill in more detail, inserted into *Hansard* without my reading it.

Leave granted.

**Background**

Currently section 33 of the *Summary Offences Act 1953* prohibits the production, sale, barter, exchange, or hire of indecent or offensive material. The basic penalty is $20 000 or imprisonment for six months. However the maximum penalties are increased if the offence involves child pornography.

Child pornography is defined in section 33(1) to mean indecent or offensive material in which a child (whether engaged in sexual activity or not) is depicted or described in a way that is likely to cause serious or general offence amongst reasonable adult members of the public. A child means a person under, or apparently under, the age of 16 years.

The production of child pornography offence attracts a two-tier penalty so that the first offence attracts a maximum two year imprisonment penalty and a subsequent offence a maximum four year imprisonment penalty, making the first offence a summary matter and a subsequent offence, a minor indictable offence.

Currently, the offence of possession of child pornography carries a penalty of $5 000 or one year imprisonment. Possession of child pornography is classified as a summary offence.

The Bill defines child pornography by a two part test. The first part of the test refers to either material that describes or depicts a child engaging in sexual activity, or material that consists of, or contains, the image of a child or bodily parts of a child (or what appears to be the image of a child or bodily parts of a child) or in the production of which a child has been or appears to have been involved.

The second part of the test for child pornography material is that it must be material that is intended, or apparently intended, to excite or gratify sexual interest; or material that is intended, or apparently intended, to excite or gratify a sadistic or other perverted interest in violence or cruelty. This qualification will ensure that items clearly not intended to excite sexual interest, such as advertising brochures for children's clothing and underwear, would not be caught by the definition.

Clearly, if material is intended (by any participant in the prohibited process) to excite or gratify a sexual or other specified interest, that participant's behaviour will be caught and rightly so. But the proposal in the Bill is not limited to that situation, nor should it be. It would be unduly onerous to require proof of the actual intention in every case. If the finder of fact finds that the intention to excite or gratify a sexual or other specified interest is apparent on the face of the material presented to it, the behaviour will also be caught. And so it should be.

The Bill goes on to update the offence (currently contained in section 58A of the *Criminal Law Consolidation Act*) of inciting or procuring the commission by a child of an indecent act to gratify prurient interests. New section 63B provides for an offence that will cover situations where a person incites or procures a child to commit an indecent act, or where a person, for prurient purposes, causes or induces a child to expose any part of his or her body. There is also

a new offence of filming, for prurient purposes, a child who is engaged in a private act. A private act can be a sexual act, using the toilet, undressing or any activity involving nudity. It will not matter whether the activity that constitutes the offence occurs in private or in public, whether the child consents, or whether a parent or guardian consented to the act taking place. Recent arrests interstate have occurred where teachers have installed filming devices in change rooms to film children changing. Such actions are likely to be caught by the Bill.

On 30 August 2004, the Commonwealth passed amendments to the *Criminal Code Act 1995* (Cth) that created offences for using the internet for the purposes of disseminating, accessing or downloading child pornography and child abuse material. The Commonwealth drafted the amendments so that the States and Territories would also be able to legislate in this area without running into constitutional problems.

The Bill will reflect some of the Commonwealth internet provisions with some minor amendments. Nowadays, pederasts search through chat rooms, newsgroups and other internet services to find children to prey upon. Some pederasts use pornographic images as part of the manipulation process to entice children into so-called 'positive' sexual encounters with adults.

The Bill will introduce new offences of communicating with a child with the intention of procuring a child to engage in, or submit to, a sexual activity, and communicating, for a prurient purpose, with the intention of making a child amenable to sexual activity. The offences are drafted as separate offences, which is appropriate, given that grooming is a preparatory offence and procuring involves more substantial acts. The Bill excludes from the orbit of the new offence the situation where a police officer, using the internet, poses as a child to attract those who would "groom" or procure a child for pornographic purposes. The Bill does this by referring to making a communication with the intention of procuring a child to engage in, or submit to, a sexual activity or, in the alternative, to making a communication for a prurient purpose and with the intention of making a child amenable to sexual activity.

It should be noted that the provisions are drafted in general terms and are not limited to the use of the internet.

The Bill will also expand the definition of child pornography to include "morphed" images. Nowadays, it is possible to create child pornography that may or may not involve actual abuse of children. Using digital graphics software, it is possible to combine two images into one, or distort pictures to create a totally new image: a process called morphing. Non-pornographic images of real children can be made to appear pornographic, and pornographic images of "virtual children" can be generated.

Consistent with the current definition in section 33 of the *Summary Offences Act*, the definition of child for the purposes of depiction of child pornography remains as 16 years and includes a person who is "apparently under the age of 16".

The Bill, when dealing with possession of child pornography, is careful to include a defence where a person receives unsolicited child pornography and takes reasonable steps to get rid of it as soon as he or she becomes aware of the material and its pornographic nature.

The Bill continues to distinguish between the offences of possession and production or supply of child pornography. This is because there is a fundamental difference between those who operate alone and those who have an element of collusion in their offending. In other areas of the criminal law, possession offences generally attract a lower penalty than the production or supply of prohibited material.

I commend the Bill to the House.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1 to 3—Short title, Commencement and Amendment provisions**

These clauses are formal.

**Part 2—Amendment of *Criminal Law Consolidation Act 1935***

**4—Repeal of section 58A**

Current section 58A provides for an offence if a person, for prurient purposes, procures a child to commit certain acts. This section is made otiose by the proposed insertion of Division 11A and so it is to be repealed.

**5 and 6—Redesignation of sections 64 and 65**

It is proposed to redesignate section 64 as section 60 and section 65 as section 61.

**7—Insertion of Part 3 Division 11A**

It is proposed to insert Division 11A after Division 11 (comprising sections 48 to 61).

**Division 11A—Child pornography and related offences**

**62—Interpretation**

New section 62 contains definitions of words and phrases for the purposes of new Division 11A. For example, a ***child*** is defined as a person under, or apparently under, the age of 16 years. (This is the definition currently contained in section 33 of the *Summary Offences Act 1953*.) ***Child pornography*** is defined as material—

(a) that—

(i) describes or depicts a child engaging in sexual activity; or

(ii) consists of, or contains, the image of a child or bodily parts of a child (or what appears to be the image of a child or bodily parts of a child) or in the production of which a child has been or appears to have been involved; and

(b) that is intended or apparently intended—

(i) to excite or gratify sexual interest; or

(ii) to excite or gratify a sadistic or other perverted interest in violence or cruelty;

Other definitions include, acting for a ***prurient purpose*** and ***private act***. Private acts include such acts as using the toilet, showering and bathing, being in a state of undress and engaging in a sexual act.

**63—Production or dissemination of child pornography**

New section 63 provides that it is an offence, the maximum penalty for which is 10 years in prison, if a person—

(a) produces, or takes any step in the production of, child pornography knowing of the aspects of the pornographic material by reason of which it is pornographic (see definition of ***pornographic nature*** in new section 62); or

(b) disseminates, or takes any step in the dissemination of, child pornography knowing of its pornographic nature.

**63A—Possession of child pornography**

New section 63A provides that it is an offence to possess child pornography knowing of its pornographic nature. It will also be an offence to obtain access to child pornography with the intention to obtain access or to take any step towards obtaining such access. The maximum penalty for a first offence against this section is imprisonment for 5 years and imprisonment for 7 years for a subsequent offence. For the purposes of determining whether an offence against this new section is a first or subsequent offence, any offence involving child pornography (whether against proposed Division 11A or a corresponding previous enactment) must be taken into account.

A defence is provided in relation to possession of child pornography. The defendant must prove that possession of the child pornography the subject of the charge was not solicited by the defendant and that as soon as the defendant became aware of the existence of the material and its pornographic nature, the defendant took reasonable steps to get rid of the material.

**63B—Procuring child to commit indecent act etc**

New section 63B(1) provides that it is an offence for a person to incite or procure a child to commit an indecent act. It is also an offence for a person who, acting with the intention of satisfying his or her own desire for sexual arousal or gratification or of providing such feelings in another (see definition of ***prurient purpose*** in new section 62), causes or induces a child to expose a part of his or her body or records a child (by taking photographs, filming etc) engaged in a private act.

It does not matter if the behaviour occurs in private or in public or with or without the consent of the child or the child's parent or guardian, such behaviour as is prohibited under subsection (1) will still constitute an offence.

New section 63B(3) provides for the commission of other offences in the following situations:

(1) where a person procures a child or makes a communication with the intention of procuring a child to engage in, or submit to, a sexual activity;

(2) where a person makes a communication for a prurient purpose and with the intention of making a child amenable to a sexual activity (colloquially known as "grooming" the child).

The maximum penalty for each of these offences is imprisonment for 10 years.

**63C—Pornographic nature of material**

New section 63C(1) provides that even though the circumstances of the production of particular material and its use (or intended use) may be taken into account in determining whether it is of a pornographic nature, none of those circumstances will deprive material that is inherently pornographic of that character.

The section further provides that no offence against proposed Division 11A will be committed in the following circumstances:

(1) producing, disseminating or possessing material in good faith for the advancement or dissemination of legal, medical or scientific knowledge;

(2) producing, disseminating or possessing material that constitutes, or forms part of, a work of artistic merit if, having regard to the artistic nature and purposes of the work as a whole, there is no undue emphasis on aspects of the work that might otherwise be considered pornographic;

(3) possessing or disseminating material that has been classified under the *Classification (Publications, Films and Computer Games) Act 1995* (except where it is classified as RC) or for the purposes of having the material classified under that Act.

This new section may be compared with current section 33(4) and (5) of the *Summary Offences Act 1953*.

**Part 3—Amendment of the *Summary Offences Act 1953***

**8—Amendment of section 33—Indecent or offensive material**

It is proposed to amend section 33 as a consequence of the proposed amendments discussed above by removing references to children and child pornography from the section.

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

## CONTROLLED SUBSTANCES (REPEAL OF SUNSET PROVISION) BILL

**The Hon. L. STEVENS (Minister for Health)** obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

**The Hon. L. STEVENS:** I move:

That this bill be now read a second time.

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

Leave granted.

In April 1999 the Council of Australian Governments agreed that there should be partnership arrangements linking education, law enforcement, justice and health efforts to deal with illicit drug use in line with the National Drug Strategic Framework 1998-99—2002-03.

Part of this agreement was the establishment of police drug diversion programs with Commonwealth funding made available for a four-year period to establish and run those programs. The approach taken was to provide a program where individuals apprehended for offences relating to possession or use of minor amounts of illicit drugs (other than adult possession or use of cannabis) could be diverted away from the justice system by police and into education, assessment and treatment services.

An assessment of the legislation governing drug offences at the time revealed that implementation of the initiatives was possible for young offenders under the *Young Offenders Act, 1993* but amendments to the *Controlled Substances Act, 1984* were necessary to establish this program for adults. The passage of legislation mandating police drug diversion was a pre-requisite to the receipt of considerable Commonwealth funding.

On 1 October 2001, the *Controlled Substances (Drug Offence Diversion) Amendment Act* came into operation thus enabling the Police Drug Diversion Initiative to be established for adults.

The primary objectives of this initiative included, and continue to include, providing South Australians with early opportunities to engage with the health system to address their drug use, increasing the rate of entry of young, novice drug users into assessment and treatment strategies at the earliest opportunity and take the best chance of reducing the level of drug related harm and crime.

Since the inception of the program over 3500 persons have been diverted to the health system for assessment and treatment as an alternative to being prosecuted under the *Young Offenders Act* or *Controlled Substances Act*. It is reported by service providers that approximately half of the clients attending their diversion appointments elect to remain with the service for ongoing interventions.

When the *Controlled Substances Act* was amended in 2001, a sunset clause was included to accord with the original funding agreement for the program, which was guaranteed only until 1 October 2004. The sunset clause has taken effect and the legislative component of the Police Drug Diversion Initiative has accordingly expired. Substantial amendments to the *Controlled Substances Act* are in the process of development for the consideration of Government and, in due course, the Parliament, and these amendments had included the repeal of the sunset clause, but the complexity of the other amendments under development led to delays and hence the unintended expiry of the Division.

Commonwealth funding to continue the programs has now been offered for the 2004-2007 period and the South Australian Government has submitted a proposal for the continuation of the Initiative which is being considered by the Australian Government. Interim Commonwealth funding has been provided while these deliberations occur. It is therefore of the first importance that the legislative scheme is re-instated.

While the effect of the sunset clause is that this Division is no longer operational, SA Police has available to it a range of options that it can use in the community interest including diversion of suspected offenders where appropriate. What may be in question is whether action can be taken against persons who do not comply with a diversion notice issued since this sunset date. This was, of course, a major reason for the enactment of the original legislation.

Therefore to ensure legal certainty, this Bill which will repeal the sunset clause in the Controlled Substances Act, has been prepared as a matter of urgency with a commencement date of 30 September 2004 to ensure continuity of the legislation enabling the Police Drug Diversion Initiative. A new sunset date has not been provided to obviate the need to amend the Act in the future unless there is a change in policy or funding arrangements.

The Police Drug Diversion Initiative is an essential co-operative funded scheme which has led to the diversion of illicit drug users into assessment and treatment where their drug problem can be addressed directly in a non-punitive and rehabilitative way. The continuation of funding should be applauded by all honourable members and support should continue to be given to this humane and successful rehabilitative strategy.

I commend the Bill to members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

This clause is formal.

**2—Commencement**

This clause provides for the measure to be taken to have come into operation on 30 September 2004 (ie. one day prior to the sunset provision causing the expiry of the Division dealing with drug offence diversion).

**3—Amendment provisions**

This clause is formal.

**Part 2—Amendment of *Controlled Substances Act 1984***

**4—Repeal of section 40B**

This clause repeals section 40B (the sunset provision).

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

## CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Second reading.

**The Hon. J.D. HILL (Minister for Environment and Conservation):**

I move:

That this bill be now read a second time.

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

Leave granted.

This Bill will amend the *Correctional Services Act 1982* to implement the recommendations of the review conducted by the Government earlier this year into aspects of the parole system.

In April, 2003, the Premier announced that the Chief Executive of the Department of the Premier and Cabinet would conduct a review into the Parole Board and its guidelines. The aim of the Government, in commissioning the review, was to ensure that community safety and community interests are priorities in decisions on parole.

The terms of reference for the review were to examine:

- whether the Parole Board should have power to refuse parole to prisoners sentenced to less than five years with particular regard to practices in other jurisdictions;
- the current provisions to which the Parole Board must have regard in reaching a decision to release on parole and report on whether these matters should be strengthened, with particular regard to community interest and safety; and
- the most appropriate balance of skills, qualifications and experiences of Parole Board members, having regard particularly to community safety and the interests of victims.

During the review, comparative research was undertaken on the role, functions and constitution of Parole Boards in all Australian jurisdictions and New Zealand. Key areas examined in the review included:

- the consideration and extent of community interest that the various Parole Boards must have regard to when considering the parole of a prisoner;
- the conditions for release on parole;
- the skills, experience and qualifications of Parole Board members;
- a possible increase in the number of Parole Board members to enable the Board to sit in three Divisions rather than two Divisions, as at present; and
- the operation of the automatic release provisions and the term of imprisonment that triggers consideration by the Parole Board with particular reference to child sexual offenders.

The Chief Executive reported to the Premier and Minister for Correctional Services in June, 2003. It is important to stress that the review was not a comprehensive review of the whole parole system. The Government's objective was to achieve a speedy review of those matters which were of major concern to the Government and the community. It may be that other matters will be dealt with at a later date.

The review recommended amending the *Correctional Services Act 1982* to strengthen the conditions for release on parole to:

- ensure that the paramount consideration of the Board in every case must be the safety of the community;
- take into account the impact of the release of a prisoner on a victim and their families and the gravity of the offence and the potential for the prisoner to re-offend; and
- remove the requirement for reports relating to the social background of the prisoner.

The review also recommended an expansion of the Parole Board's powers to empower it to refuse parole for child sex offenders serving sentences of less than five years. The Government accepted this recommendation and went further in its original Bill by removing automatic parole for all sex offenders.

With regard to the membership and qualifications of the Parole Board, the review recommended that:

- the term of appointment for the presiding member be changed from five to three years;
- the criteria for appointment for board members include the need for members to have due regard to, and an understanding of, the impact of criminal offences on victims; and
- an increase in the number of members from six to at least nine to allow for greater community representation and to reflect the values of the public at large.

The Bill is largely based on the recommendations emanating from the review but with some amendments passed in the other place.

**Constitution of the Parole Board**

The Parole Board of South Australia is an independent statutory body constituted under the *Correctional Services Act 1982*. The Parole Board consists of six members appointed by the Governor. The qualifications for membership of the Board are set out in section 55 of the Act.

The presiding member is appointed by the Governor and must be either a judge or retired judge of the Supreme Court or District Court, or a person who has extensive knowledge and experience in the science of criminology, penology or any related science. One member of the Board must be a qualified practitioner who has extensive knowledge and experience in psychiatry. One member must have extensive knowledge of, or experience in, criminology, sociology or any other related science. In addition, the Minister nominates three persons to be members. The composition of the Board must include a person of Aboriginal descent and at least one man and one woman. Under section 59(1)(a), the Governor must also appoint one of the other members as the deputy presiding member of the Board.

The Bill amends the provisions relating to the qualifications and appointments of Board Members. Clause 7 of the Bill amends section 56 so that the term of appointment for the presiding member is reduced from five years to three years. This is consistent with the length of tenure for other members of the Board and would bring South Australia into line with corresponding provisions in Victoria, New South Wales and New Zealand.

The Bill also modifies the qualifications of the presiding member to allow a legal practitioner of at least seven years standing to be appointed as the presiding member. This is consistent with many other provisions in legislation relating to the appointment of presiding officers to Boards and Tribunals and will expand the pool of people with legal qualifications who can be appointed as the Presiding Member.

The Bill increases the number of Parole Board Members from six to nine. This will allow more community-based representatives to reflect public values. One of the additional members must represent victims of crime and another must be a retired police officer. A consequential amendment will increase the quorum from four to five members.

The expansion to nine members would allow the Parole Board to sit in three Divisions, instead of two Divisions, as at present. However, whether the Board sits as three Divisions concurrently will depend on the availability of members and workload demands . Consequential amendments will be made to provide for two deputy Presiding members.

The Government believes the amendments to the membership of the Board will ensure an appropriate balance of legally qualified members, qualified professionals, and community representation so that the interests of the community and victims are properly taken into account.

The amendments in clause 10 of the Bill will require the Parole Board to report on the number of applications for parole during the previous financial year that were refused by the Board. It also requires the Minister to table the Board's report in Parliament.

**Role of victims**

The Bill will expand the involvement of victims and their families in the parole process.

Clause 5 of the Bill provides for the establishment of a Victim's Register. This section builds on the current provisions in section 85D(2)(a) of the Act that allow for a victim of an offence or one of the offences for which the prisoner is imprisoned to register with the Chief Executive Officer of the Department for Correctional Services. Once a person has been entered on the Register, he or she will be a "registered victim" for the purposes of the Act. This approach maintains and expands the registration system currently in the Act because the Government recognises that not all victims want to remain involved in the criminal process.

A survey of victims in 1990 found that, whereas approximately 50% of victim respondents wanted to be informed or actively involved in the parole decision-making process, the other 50% did not necessarily want any involvement.

In practice, some victims want to forget, or move on from, the incident and accordingly choose not to register with the Department.

The Department has found that contact with this group of people has the potential to cause them further anxiety and grief.

The *Correctional Services Act 1982* and the *Victims of Crime Act 2001* already give recognition to victims in the parole process. A victim is already entitled to make written submissions to the Parole Board on questions affecting the parole of a person imprisoned for an offence.

In practice, the Board writes to registered victims, advising them that they are entitled to submit a written statement, to the Board setting out their concerns and the impact on them of the prisoner's release. Clauses 12 and 13 of the Bill will go further than the current provisions and specifically require the Board to consider the impact that the release on parole of the prisoner is likely to have on a registered victim and/or the registered victim's family. The Bill also will allow a victim, by prior arrangement, with the Board to make submissions in person to the Board.

These amendments further demonstrate the Government's commitment to strengthening victims' rights and recognises their right to be more involved in the criminal justice process, if they elect to be so.

**Threshold for applications to the Board**

Currently under the Act, the Parole Board has no discretion over a prisoner sentenced to less than five years (including prisoners convicted of sexual offences), and those prisoners must be released no later than 30 days after their non-parole period expires. The automatic release of these prisoners is of great concern to the Government.

The Government is concerned that there are some serious offenders in this group—including child sexual offenders—who should not be automatically released at the end of the non parole period.

Therefore, the Government moved to amend section 66 of the Act to remove the mechanism of "automatic release" for prisoners serving any part of a sentence of imprisonment for a sexual offence. This would allow the Parole Board to exercise its statutory powers in relation to prisoners imprisoned for sexual offences even where the sentence is for a period less than 5 years.

The Government also proposed an amendment that would have enabled an extension of the Parole Board's jurisdiction to prisoners of a class excluded by the regulations from the automatic release provisions of section 66 provided the prisoner is liable to serve a total period of imprisonment of more than three years.

However, this was the subject of an amendment in the other place so that now clause 11 of the Bill repeals section 66 of the Act and, in doing so, removes automatic parole altogether. This will mean that the Parole Board will be required to consider the applications of all prisoners who want to be released on parole. The Government will be considering the effect these amendments would have.

**Conditions of Release: Community/Victim Interest**

Section 67(4) of the Act sets out the matters that the Parole Board must have regard to when determining an application for the release of a prisoner on parole. These matters include:

(a) any relevant remarks made by the Court in passing sentence;

(b) the likelihood of the prisoner complying with the conditions of parole;

(c) where the prisoner was imprisoned for an offence or offences involving violence, the circumstances and gravity of the offence or offences for which the prisoner was sentenced to imprisonment, but only insofar as it may assist the Board to determine how the prisoner is likely to behave should the prisoner be released on parole;

(d) the behaviour of the prisoner while in prison or on home detention;

(e) the behaviour of the prisoner during any previous release on parole;

(f) any other reports tendered to the Board on the social background, the medical, psychological or psychiatric condition of the prisoner, or any other matter relating to the prisoner.

While the Parole Board considers every case on its merits, the review recommended an amendment to ensure that the Board, when determining the appropriateness of releasing a prisoner on parole, pays particular attention to the safety of the community and the impact of release of the prisoner on the victim and the victim's family.

Clauses 12(2) and 13(1) of the Bill insert new provisions into the Act to make it clear that the paramount consideration of the Board when determining an application for parole or fixing or recommending conditions for release of a prisoner on parole must be the safety of the community. The Bill also specifically refers to the impact that the release of the prisoner is likely to have on a registered victim and the registered victim's family.

While some may argue that the Parole Board already takes these factors into account, the amendments are consistent with the Government's position that community safety and the impact on victims should be expressly referred to in the statute. The amendment also makes it clear to the Board that community safety is to be its paramount consideration.

Currently under section 67(4)(c) of the Act, where a prisoner is imprisoned for an offence or offences involving violence, the circumstances and gravity of the offence or offences for which the prisoner was sentenced to imprisonment may be taken into account by the Parole Board but only insofar as it may assist the Board to determine how the prisoner is likely to behave should the prisoner be released on parole. This provision will be amended to remove the need to relate the circumstances and gravity of the offence to the prisoner's future behaviour. This is not intended to allow the Parole Board to substitute its own opinion as to the appropriate length of sentence but rather to ensure that, when making a decision on parole, the Board takes into account all relevant information. The provision makes it clear that the Board may not substitute its view on the gravity and circumstances of the offence for the view expressed by the court in passing sentence.

**Tabling of reports of recommendations of Board and refusals to approve recommendations.**

Clause 15 of the Bill will require the Minister to table a copy of the Board's recommendations and reasons for recommending release on parole of a person serving life imprisonment. It would also require the Minister to cause a copy of the reason for refusal of such a recommendation to be tabled in Parliament. This provision was inserted in the other place. The Government may move to reconsider this matter in the Committee stage of the Bill.

**Transitional provision**

The Bill includes transitional provisions so that the amendments will apply to prisoners serving sentences of imprisonment immediately before the commencement of the Schedule regardless of when they were sentenced. This will mean that some prisoners sentenced to a term of imprisonment where there would be automatic parole under section 66 will now have to apply to the Parole Board for release. While some may criticise this as being unfair on those prisoners, the Government makes no apology for this position. It is consistent with the Government's commitment to protecting the community. The amendment will mean that those prisoners cannot be released automatically but rather they will have to apply to the Parole Board. It will then be for the Parole Board to consider the application taking into account the matters set out in the Act.

The transitional provisions also make it clear that a member of the Board holding office immediately before the commencement of the Act will continue in office for the balance of his or her term.

The Government believes the changes in the Bill will improve the way in which the parole laws operate in this State.

I commend the Bill to members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

**2—Commencement**

**3—Amendment provisions**

These clauses are formal.

**Part 2—Amendment of *Correctional Services Act 1982***

**4—Amendment of section 4—Interpretation**

This clause inserts additional definitions for the purposes of the amendments dealing with the proposed Victims Register and applications for parole.

**5—Insertion of section 5**

There is to be a Victims Register kept for the purposes of the *Correctional Services Act 1982* (the ***principal Act***) in which the contact details are to be recorded of those victims of offences for which prisoners are serving sentences of imprisonment who wish to be contacted with information about the prisoner. The Victims Register is relevant for the purposes of Part 6 and section 85D of the principal Act .

**6—Amendment of section 55—Continuation of Parole Board**

The membership of the Board is to be increased from 6 to 9 members. There is to be a presiding member (who must have judicial experience or be a legal practitioner of some seniority with experience in the criminal justice system).

**7—Amendment of section 56—Term of office of members**
The term of all members is not to exceed 3 years (although they are eligible for reappointment).
**8—Amendment of section 59—Deputies**
There are to be 2 deputy presiding members (instead of the current 1 deputy presiding member).
**9—Amendment of section 60—Proceedings of the Board**
These amendments are consequential on the proposal to have 2 deputy presiding members.
**10—Amendment of section 64—Reports by Board**
The amendment proposes to add a requirement that the Board include in its annual report the number of applications for parole that were refused by the Board during that year. It is also proposed that the Board's report be tabled in Parliament by the Minister within 12 sitting days after receiving the report.
**11—Repeal of section 66**
Currently, all prisoners who are liable to serve a total period of imprisonment of less than 5 years and for whom a non-parole period has been fixed must be released on parole by the Board at the end of the non-parole period. Section 66 is to be repealed as it is proposed that all prisoners will have to apply to the Board for release on parole.
**12—Amendment of section 67—Release on parole by application to the Board**
It is proposed to amend current section 67(1) so that a prisoner who is liable to serve a total period of imprisonment of 1 year or more where a non-parole period has been set must apply to the Board for release on parole. This amendment is consequential on the proposed repeal of section 66. The proposed amendments provide that the paramount consideration of the Board when determining an application by a prisoner for release on parole must be the safety of the community. Among other matters that must be taken into consideration is the impact that the release of the prisoner on parole is likely to have on the registered victim and the registered victim's family.
**13—Amendment of section 68—Conditions of release on parole**
The proposed amendments provide that the paramount consideration of the Board when fixing conditions to which the release of a prisoner on parole will be subject must be the safety of the community. Among other matters that must be taken into consideration is the impact that the release of the prisoner on parole is likely to have on the registered victim and the registered victim's family.
**14—Amendment of section 77—Proceedings before the Board**
The proposed amendment provides that if an application for parole is made to the Board, the following persons must be notified of the time and day fixed for the hearing:

(a) the prisoner to whom the application relates;
(b) the Chief Executive Officer;
(c) the Commissioner for Police;
(d) the relevant registered victim, if any (except where the registered victim has indicate to the Board that he/she does not wish to be so notified).

The registered victim may make submissions to the Board in writing or, by prior arrangement, in person.
**15—Insertion of section 78**
**78—Minister must table reports of recommendations of Board and refusals (if any) to approve recommendations**
New section 78 provides that the Minister must table in Parliament notice of the Board's recommendations and reasons for the release on parole of a prisoner serving a life sentence. If it is decided that approval of such a recommendation is to be refused, that also has to be tabled in Parliament.
**16—Amendment of section 85C—Confidentiality**
Information derived from the Victims Register is confidential information.
**17—Amendment of section 85D—Release of information to registered victims etc**
This amendment is consequential on new section 5.
**Schedule 1—Transitional provision**
The Schedule makes provision for transitional arrangements consequent on the passage of this measure.

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

## GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

In committee.
(Continued from 25 October. Page 543.)

Clause 12.

**The ACTING CHAIRMAN (Ms Thompson):** To recap on this: we are dealing with clause 12, and the member for Fisher had just spoken to his amendment 6(21).

**The Hon. M.J. WRIGHT:** I would like to make a small contribution. I cannot support this. I am a little bit surprised at the nature of this amendment, because I appreciate that the member for Fisher takes problem gambling very seriously. My understanding is—and the member for Fisher can correct me, but I am fairly sure that I have interpreted this correctly—that if the amendment moved by the member for Fisher was to be successful, venues would not lose machines in a compulsory cut if they agreed to close down their gaming room for at least eight ours each day. I think that it needs to be strongly highlighted to the house that the act already currently provides a mandatory six-hour close down period per day. Of course, a significant number of hotels, in particular small and medium sized venues, would already close for longer than six hours per day; that is a financial decision for venues. It may well be that bigger hotels do so also, but certainly the advice that I have been provided with is that smaller and medium sized venues, in fact, do that.

But, whether you make it eight hours, 10 hours, 12 hours or 16 hours, it just will not work, because we know that the act already currently provides for a mandatory six hour close-down period per day and that some venues actually close for longer hours than that. We also know that the IGA has undertaken extensive research and considered a whole range of options (including this particular option, whether it be eight hours, 10 hours, 12 hours, or whatever) and they have said that they believe a reduction in gaming machines and gaming venues is a preferred option for dealing with problem gambling. I am sure this is well intended because I know it would be, coming from the member for Fisher, but it misses the point and does not hit the target on problem gambling. So, if we are going to be serious about problem gambling, we need to reduce machines, reduce the number of venues and reduce accessibility.

These are issues that are fundamental to this debate. It is fine for the opposition—for members on whichever side of the house, although it seems to be coming from the opposition—to have some scepticism about this bill, but they have not come up with any alternative. Not only have they not come up with an alternative, but also, apart from the rhetoric, they have not been able to provide any evidence as to why this bill will not work.

As I said on ABC Radio this morning, if you reduce the number of machines by 3 000 and reduce the number of venues and reduce accessibility, in addition to other the things the government is already doing (codes of practice, family protection orders, education programs in schools and increasing the amount of money going into the Gamblers' Rehabilitation Fund), how can you argue that those measures will not work? You simply cannot, and the opposition is a nonsense on this. All they want is for this bill to die. They know that the government is serious about problem gambling.

They have no close when it comes to this debate and it is not possible to argue logically the way that they are arguing. All they are trying to do is delay this bill, but this bill will get through the parliament.

I urge members to not support the amendment of the member for Fisher because it does not hit the mark. I am sure it is a sincere attempt by the member for Fisher because I know that is the way he operates, but it does not hit the mark in regard to problem gambling. It has been considered as one of the options by the IGA. The IGA has considered a range of options and has recommended a reduction in the number of gaming machines and venues because that will have an impact on problem gambling, on accessibility and prevention. So, I cannot support this amendment, and I am not sure that we should spend a lot of time on it, to be honest.

**Mr BROKENSHIRE:** In talking to this amendment, I take offence at some of the things that the minister has just said, and they need to be corrected on the public record. The first point is that I am sick and tired of the rhetoric of this Labor government, which is full of spin and wants only one thing from this bill—and let us not get this wrong—and that is for the Premier to be able to claim that he is the first premier in Australia to reduce poker machine numbers. That is all this Labor government wants to get out of this. I am offended, and I want to correct the public record because we have been misled as a party by the minister.

The fact of the matter is that ours was the first government in Australia to set up a full ministry for gambling. We had a detailed inquiry with all the concerned and industry sectors; we set up a brand new portfolio that had never been set up before; we set up the a gamblers' rehabilitation fund; we were going through the development of the Independent Gambling Authority; and we had codes of practice being developed, and the whole lot. We did that in our term and that is the truth and the fact, and it needs to be acknowledged. There should be no more misleading.

The other point I want to raise in relation to this matter is the nonsense about the big deal increase of 147 per cent. Let the community of South Australia know the truth.

**The Hon. M.J. Wright:** 174 per cent, actually.

**Mr BROKENSHIRE:** Yes, it might be on paper 174 per cent, but it goes from $800 000 to $2.1 million into that fund. That is all the increase but, over the period since this gambling revenue started to come in, the growth in the last few years has gone up tens of millions of dollars in taxation revenue. On top of that, the government's own budget papers show that $65 million over the forward three years—$65 million of additional tax compounding—will come in. That is why the South Australian community is not buying this.

**Mr RAU:** Madam Acting Chairman, I have a point of order.

**Mr BROKENSHIRE:** No, because I am about to—

**The ACTING CHAIRMAN (Ms Thompson):** Order, the member for Mawson! There is a point of order by the member for Enfield.

**Mr RAU:** We have spent quite a bit of time talking about this legislation in its bigger concept.

**Mr Brokenshire:** Why wasn't your point of order to the minister?

**Mr RAU:** It was open to you to do that. We have spent quite a lot of time on the big picture. As I understand it, the member for Fisher has put a very particular proposition to the committee, and it seems to me that we should be dealing with his matter. I have heard the member for Mawson make the points he makes now before—

**The ACTING CHAIRMAN:** Order! That is sufficient, member for Enfield. I uphold the point of order. This is not a second reading debate. I ask all members to be very constrained and address their remarks to the particular point under debate.

**Mr BROKENSHIRE:** Thank you, Madam Acting Chair. The fact of the matter is this particular amendment, 6(21) by the member for Fisher, is his attempt to say that there may be a better way, that there may be a way to address problem gambling. When I was minister for gambling (and if the minister has evidence to the contrary, I ask him to table it so that it can be debated), there was a lot of discussion around the fact that, if you could close down a venue for a period of time and force people to leave, that could have a direct impact on the prevention of problem gambling, because it made people physically get up from the machines and leave the premises and, once they had left the premises and got some fresh air, they were able to sit in their car and think about the fact that they had just blown $40 or $50 and that maybe they should go home to their family. This argument has been considered, and there is an element of fact around such a proposal being of benefit when dealing with problem gambling.

Through this amendment, the member for Fisher is saying that a simplistic cut is not going to work—we all know that it might only have a minuscule effect—but we can give the hoteliers an option to enter into an agreement with the Commissioner for Licensing and Gaming to make the machines unavailable for a period of at least eight hours a day. I will read the amendment so that everyone understands. It provides:

> . . . the licensee agrees to a variation of the conditions of the licence under which, in each day, there is to be a period of at least eight hours, or there are to be two periods amounting in aggregate to at least eight hours. . .

So, the public could be shut out for two blocks of four hours during which the machines would not be available for use by the public at all. So, if it is 2 a.m. and people have had a few drinks and are starting to lose control, under the member for Fisher's amendment it will be: right, that's it, shut down, no further opening until 10 a.m. tomorrow, and they would have to go home. I think there is some credible argument in support of such a proposal.

I appeal to the parliament to take the member for Fisher's amendment at face value and consider its merits to see whether it is a viable option. This amendment does not prevent a cut in the number of poker machines; it is an option. Under this bill, a hotelier could go for a straight cut—we are not preventing that. If hoteliers decide that they want to cut the number of their machines back from 40 to 32 they can go that way, and we know that they will still earn the same amount of money with 32 as they will with 40. That is the problem with the cut: it does not do anything. However, if they say, 'We will take this responsible measure and do what it says if it becomes law and shut down for eight hours,' that will have a real impact.

The member for Fisher has not been to university and got a PhD for nothing. He is an analytical member. He has had a look at this and asked the parliament to consider his amendment because it has some merit. I agree with the member for Fisher that it should be considered and debated.

**The Hon. M.J. Wright:** Well, vote for it.

**Mr BROKENSHIRE:** I may well vote for it, minister, but I say to the parliament, 'Don't just flick past this; this is a decent attempt to get some commonsense into a bill which,

day by day, night by night, the South Australian community is seeing as a lemon, as media spin, something that is doing diddly-squat to fix the real issue of problem gambling. I appeal to members to debate this clause fully, to look at it on merit and not to miss an opportunity to provide some real benefit for problem gamblers.

Last night we spent 7½ hours in here on this bill, but we would not have spent 15 minutes on getting to the root of how to address problem gambling. Maybe this is one amendment that could have a serious impact on the prevention of problem gambling. I ask the parliament to consider this amendment as an option. You can have a cut, or you can have a block-out if that is better for the community. I think we should at least debate it and consider whether this is an improvement that will make a real start in the prevention of problem gambling.

**The Hon. R.G. KERIN:** I rise to make a contribution on the amendment of the member for Fisher. The committee knows my point of view—that we should not even be dealing with this bill—but, given that we are, I think what the member puts forward is an option, as the member for Mawson said. A lot of people will criticise it, but I think the member is saying that he cannot see a lot of benefit in most of what we are doing. If we reduce the number of hours a venue is open, at least that is something that we can salvage from the bill. The option is there for closing for eight hours or losing eight machines. In some venues, this proposal would result in fewer opening hours, which in turn would result in less gaming. So, this may provide one glimmer of hope in this whole bill that we are actually doing something about problem gambling. I support it. If it was not in a bill such as this I probably would not support it, but given the nonsense that we have in this dog's breakfast of a bill I think the honourable member's amendment has merit and I will support it.

**Mr RAU:** I appreciate what the member for Fisher is trying to do and I agree that, as one of a number of measures to improve the situation in respect of problem gambling, it would be a good idea to have greater periods of closure of establishments. However, my problem with the proposition put by the member for Fisher is that it also contemplates a trade-off between greater hours of closure and some quarantining of the effects of the cut in the number of machines. As I have said on a number of occasions in relation to this whole debate, I think it is very unwise for us to create yet more anomalies within this arrangement. It is always a good principle to keep it simple and, in terms of the reduction, I think the reduction should be across the board. Unfortunately, I was on a side that was two votes shy of a majority last night on that particular point.

**The Hon. M.J. Wright:** You lost a couple.

**Mr RAU:** Yes; unfortunately, a couple of them wandered over to the wrong side. Just as in the case of last night, I thought it was inappropriate for us to draw a different line in the sand for the clubs and pubs. I think that creating an anomalous trade-off arrangement for hours of trading would be an unfortunate complication of the legislation. If it were a stand-alone proposition, I would actually find it more attractive. However, I think the trade-off aspect of it makes it very difficult.

**Mr BRINDAL:** I would remind the committee that the aim of this bill is to reduce the incidence of problem gambling. I have appreciated the contributions made by the member for Enfield, which have been consistent and intelligent, and invariably losing to date. He acknowledges that they have been losing, but he persists in his point. I would say to him that, in pursuit of the point, given the will of the committee, he is now voting for an illogical inclusion in this bill.

The member for Fisher's amendments should be accepted, because they are consistent with the tenure taken by this committee. Like the member for Fisher, I saw a problem with the exemption of clubs and their being able to trade, and that was my point, as he knows. However, that was allowed. An exemption is made for clubs, notwithstanding that we have problem gamblers. An exemption was made for clubs because their money goes to some more nobler cause than does the publicans' money. So, we have made one exemption.

The member for Enfield is arguing, 'No; let's keep it fairly simple. Having lost that exemption, we shouldn't make a second exemption,' whereas I would argue that, consistent with the will of the committee, it is quite in order for this committee to accept the member for Fisher's amendment. I commend the member for Fisher and say that, not only is it in order but also that, it is an intelligent alternative, as the leader has said, to what has been proposed.

This bill is already a dog's breakfast, and it is a nonsense to say, 'Let's reduce the number of machines to 32,' and keep the gambling venues open 24 hours a day, seven days a week, or whatever—as if, somehow or other, that will assist problem gambling. However, if you have 40 or 50 machines—or, in the case of the casino, 150 machines, or however many it has—and close for eight hours, you have eight hours when every single machine is simply not available—where that venue is simply not available. I remember (and I think it was under our government) that a number of arguments were put to break the nexus—to do little things like have Reditellers outside of venues so that, if they ran out of money, people had to break the nexus—they had to go outside the gambling venue to somewhere adjacent to get their money. That was seen as an attempt to get people out of problem gambling.

What the member for Fisher is quite logically arguing is that, if you close the entire venue for a number of hours, that will address the issue of problem gambling. I have to say to this committee that I agree with the leader in that the member for Fisher's amendment is the first amendment I have heard which might actually look at problem gambling, rather than just making excuses in the bill and saying, 'We're looking at problem gambling, but don't damage the revenue stream.'

The next factor put forward by the member for Fisher is that there should be a trade-off, and I absolutely and totally agree with him. If we are going to say to publicans, 'What you've got to do is trade with your machines for fewer hours,' it is unreasonable, in giving them fewer hours to use those machines, also to reduce the number of machines. Therefore, the member for Fisher's amendment is not inconsistent with the aims of this bill. It is not only one of the most consistent measures I have seen put forward that addresses the aims of the bill but it is also not inconsistent with the will of this chamber as it was expressed last night in exempting clubs from the cap in doing these things.

What the member for Fisher is doing is putting in place a suite which becomes consistent. If there are any little anomalies, I am quite sure the parliamentary counsel draftsperson, having had this thing slashed and burned and rewritten and having written so many amendments (it must also be a parliamentary record—12 amendments I think to one clause last night) can fix them up between this and the next house. After all, the province of the other house is a house of review. I would not trust them with anything; but

maybe I would trust them with minor amendments. So, those things can be sorted out.

The member for Fisher is to be commended, and the committee should take note. The member for Fisher is a very influential person on 5AA, and he carries with him an entire listening audience (the biggest listening audience in South Australia in that time slot). Rather than listening to the prattlings of the Attorney-General, whose only authority in terms of public opinion is Big Bob Francis and the few people who happen to like nighttime radio, I think the committee would do much better to listen to the member for Fisher, with his authority as a major broadcaster in daytime radio. The committee would do well to take note of his amendment, and I commend it to the committee.

**Mr SNELLING:** I oppose the amendment. The purpose of the bill—

**Mr Brindal:** Neanderthal!

**Mr SNELLING:** I take objection to the comment made by the member for Unley, and I ask him to apologise and withdraw.

**Mr BRINDAL:** I would hate to offend the member. I did not realise that the word 'Neanderthal' was unparliamentary. I just gave him primogeniture, but if the member finds it offensive I sincerely apologise. He is probably a creationist, and I withdraw.

**The ACTING CHAIRMAN (Ms Thompson):** Order! No qualification is necessary. The member for Playford.

**Mr SNELLING:** The purpose of the bill is to reduce problem gambling through a reduction in poker machines. South Australia has the highest rate of poker machines per head of population anywhere in Australia. The legislation seeks to bring about a reduction to bring our rate of poker machines in line with the rest of the country—quite a sensible reform. The effect of the member for Fisher's amendment would be to make that voluntary and so destroy the whole intention and purpose of the bill. I am sympathetic to making machines unavailable for longer periods of time, and I am sympathetic to that aspect of the amendment, but to make a reduction in the number of machines that a venue has a voluntary proposition would completely undercut the entire purpose of the bill. I oppose the amendment.

**Mr WILLIAMS:** I support this measure as proposed by the member for Fisher. Contrary to the comments just made by the member for Playford, I believe this actually gets to the nub of what we are trying to achieve. I suggest to all members that these sorts of amendments will be inserted into this bill when it gets to the other place. Unfortunately, members of this house have this very blinkered version of how we might attack or approach the problem of problem gambling, and that is purely by reducing the numbers of poker machines.

As the member for Playford just said, we have more poker machines per head of population in South Australia than any other jurisdiction in this nation. That may be so. But there is a very tenuous link between problem gambling and the number of machines per head of population. I would contend that a large number of measures will have a significantly greater impact on problem gambling than simply reducing the number of machines, particularly when you simply reduce the number of machines by taking out of circulation or out of the industry those machines which are not being used anyway.

This amendment actually attacks the problem. The minister himself keeps saying that the object of the bill is to reduce the accessibility of machines to problem gamblers. Surely, reducing the hours that the machines are available to problem gamblers reduces the accessibility. If the legislation was based more on this sort of principle, we would not have all of this nonsense about tradability and how many machines we might have here and how many machines we might have there. This, as I have previously described it, dog's breakfast of a bill before us would not be occurring. We would actually be looking at the serious implications caused by problem gambling and looking at serious ways of curbing accessibility. The Premier will keep coming back and saying that this is a conscience matter for the government, but we know full well that by and large the government members are supporting the Premier's and the minister's position; notwithstanding that the Premier votes against his own bill when it suits him, and he has done that twice now.

**Mr Brindal:** He is the conscience of the Labor Party.

**Mr WILLIAMS:** He said he was going to personally approach every member. He told his own side of the parliament that this was going to be a test of his premiership, then he votes against at least two measures himself. So we are not quite sure where the Premier stands on this but we do know that the Premier and the Treasurer are hell bent on ensuring there is no reduction in revenue. That is the issue. They are hell bent on ensuring that there is no reduction in revenue. That is why we end up with this bill which will not address problem gambling.

I think the member for Fisher very cleverly understands the nexus between accessibility and problem gambling and very cleverly understands how we might do something—without coming up with a very complicated trading system, without raising the issues of whether or not to compensate, etc.—simply by restricting the hours that the machines are available.

The member for Fisher very cleverly has a bob each way on this because with this amendment he allows the actual operator to make the decision as to whether he goes down the path of having the very complicated mess that this bill may present him and have the reduction in machines in his premises, or he simply chooses to reduce the hours that his premises is open and the machines are available to the problem gamblers. It is a cleverer way of approaching the issue that is before the committee, and I commend the member for Fisher for this measure. If I am able (that means if I am here because I have to leave the house very shortly) I would certainly be supporting it when it comes to the vote.

**Mr CAICA:** One of the assertions made by most members of this house, particularly from the other side, is that the removal of 3 000 machines from the system, which I support, in itself is going to be the answer to problem gambling. It is an important aspect of it and, whether we listen to the Christian task force or the IGA, it is clear that the removal of those 3 000 machines will have an impact.

But I think it has been acknowledged that it cannot stand alone. There needs to be a suite of other initiatives put in place by this parliament that will focus specifically on reducing the problem of problem gambling. I do appreciate that the member for Fisher is very genuine in his attempt here to focus on initiatives that will have an impact on problem gambling, one of which is the opening hours or the trading hours. However, I will not be supporting the amendment in its current form based on the fact that I believe it will have an adverse impact on the ability to reduce in total the 3 000 machines, which is a very important component of this overall bill in the delivery of initiatives that will address problem gambling.

It seemed to me, at least, that the aspect of the member for Fisher's amendment that I can support, that is, a review of the opening hours, ought to be looked at when the guidelines for responsible gambling are established. Indeed, there is an amendment that will be considered by the house later that looks at that particular amendment, and I think that there will be a suite of initiatives that will be developed by parliament, outside of the parliament, through experts that will come back for this house's consideration, that will definitely have an impact on problem gambling—one of which will be trading hours. There is a whole host of others, and I will not focus on those now.

When we debate the particular amendment that is coming up later on, we will have an opportunity to do that. So, to this end, I cannot support the member for Fisher's amendment in its current form because I think that it will have an adverse impact on the ability to, in a timely fashion, reduce the number of gaming machines by 3 000. However, I welcome his amendment to the extent that it raises a specific issue that we will consider in the totality of a suite of initiatives that will come before this house at a later date.

**Mr SCALZI:** This amendment appeals to me because there is a strong correlation between such a measure and dealing with problem gamblers. I understand the member for Colton's comments about the prospect that it might interfere with the reduction of the 3 000, but we are not dealing with a straightforward bill. We have so many inconsistencies, and so many mirages that it is going to deal with problem gambling that I believe, at least, this is heading in the right direction. I have been fortunate to be on the Social Development Committee with the member for Fisher for three years, and when we looked at the gaming and gambling inquiry, measures such as the time that an individual spends in front of poker machines or, indeed, any other form of gambling, are very important because they deal with the opportunity to allow that addiction to continue.

This amendment deals with it, and logic will tell you that if you reduce the ability for someone to be in front of a machine by eight hours then the ability for that person to lose money, by its very nature, should decrease. So, the prospect of dealing with problem gambling with such a measure should be beneficial. For those reasons, I believe that we should look at this amendment and commend the member for Fisher for bringing forward a creative and alternative approach to deal with the mess that we are in at this stage, because that is what we are in.

I was disappointed last night that we accepted the inconsistencies in having exemptions for the clubs because we said that some machines are more equal than others. I am sure that if George Orwell had to write *Animal Farm* again he might have a section for gaming machines. You cannot have exemptions. If this machine is a problem, it is in front of a problem gambler whether it is in a hotel, a club, or in a subway as it is in Moscow. It creates problems and, indeed, venues themselves create problems by where they are located. We know from research that in the northern area individuals spend over $1 000 each in gaming, and it is much higher than in other areas in Adelaide. So, they are concentrated in areas where people can least afford to gamble, and we approved it last night, because if these problem gamblers are in a club it does not matter, because we are concerned about the community good that the club is going to do. I believe that that is inconsistent and two wrongs do not make a right—no reflection on the minister.

So, let us look at the reduction of hours—it makes sense. If a person had a drinking problem and you reduced his or her ability to spend time drinking, surely the logic will tell you that they are less likely to get drunk. Equally, if a person is able, by change of measures, to spend less time in front of a machine then that ability to deal with the problem is there, together with other measures and, I repeat, I have been consistent that it is not only this form of gambling that is a problem.

We have got to look at the broad issue of gambling in general, and the availability of people to gamble, and weigh that with their individual rights. This, one could say, reduces a person's right to continue to gamble at this particular venue if it was reduced by eight hours, but we were told by experts on the Social Development Committee that the break factor between games is very important in making an individual assess the situation that he or she is in, and to give them a break. If they leave the venue and go outside and breathe a bit of fresh air, they are less likely to go back and lose themselves in front of that machine. So, for those reasons—and I understand that there are some strengths attached to this amendment—but, overall, given the mess we are in, it is heading in the right direction.

**The Hon. R.B. SUCH:** I thank members for the points made thus far. I want to respond to some of those made by the minister. He says that the critical factor is accessibility. At the moment, the restriction on the operation of gaming machines is already in place. If that is ineffective or inappropriate, I am not sure why the government would support the continuation of the current six-hour shutdown. The minister defeats his own logic by saying that this is about accessibility, as he does not go on to say that we currently have a restriction in accessibility. There would be no reason to maintain that if it were purely nominal or ineffective, and the minister may wish to respond to that. I understand that New South Wales is considering moving to a system of a more extended shutdown, but I do not have any detailed information about that.

In my earlier contribution, I made the point that the figure of eight hours, or the splitting of that number, is the appropriate hourly figure. However, I think the principle of the shutdown is right. If the question of the figure of eight hours is wrong—whether it should be 10 hours or something else—it is open to any member to put forward a case for a different figure. There are two aspects to this issue, one being the shutdown, for which the members for Colton and Enfield say they have some sympathy, as they are not happy with linking it by way of a nexus to the number of machines in an establishment.

Once again, if people support a shutdown, they can move an amendment, or seek to change what I am doing and have a shutdown different from that which currently exists. If they believe that strongly, they can push for that, and they do not have to link it to the number of machines in an establishment. I see this as a reasonable trade-off but, as I say for about the third time, I do not say that this is perfect in its formulation. However, it can be amended and modified in another place. If, as a proprietor, you are prepared to give up some of the trading time, the offset should be that you do not have to sacrifice machines. You could have a formula in which the sacrifice is a pro rata type arrangement, which is another option that this committee or members in another place could consider.

I do not want to transgress my own advice and return to the second reading stage, but, if we are serious about problem

gamblers, I think this type of measure will do quite a lot to help. I have said before that I am not sure that this bill will achieve much. Frankly, I do not believe anyone knows what it will or will not do. We are flying by the seat of our pants on all these measures, because we just do not know the outcome.

Even the reference to how much revenue Treasury will or will not get is only a projection and is not worth anything in terms of being a gold guarantee. No-one knows what this bill in its final form will or will not do. I defy anyone, on the grounds of logic or anything else, to tell me how they know in advance what the revenue will be as a consequence of this amended bill. Does it mean that the inclination of people to gamble will grow, so that we will not get more from problem gamblers but we will from others who suddenly take an interest in gambling over time? Treasury projections are exactly that—projections.

I am fair dinkum about trying to help and deal with the issue of problem gambling. I am not trying to play politics in terms of who brought about a cut in the number of machines, or who was the first person to do so. I am concerned that we come up with a reasonable measure that allows people who have a legitimate interest in owning, operating and playing machines to enjoy their life and do what they want to do but, at the same time, to help those who have a problem.

A shutdown will help, whether expressed in an aggregate as eight hours, or as a split within those eight hours, because, as the member for Hartley said (and this was the evidence given to the Social Development Committee about five years ago), if you have a break you help people who have that inclination and that addictive aspect and who cannot help themselves and want to keep on gambling. It is open to anyone to try to improve this measure. I am trying to do so, because, as the bill now stands, the old saying about the camel being a horse designed by a committee rings true. I am not sure what the bill will end up achieving but, in a positive way, I am just trying to improve a measure that will help the problem gambler.

**Mrs HALL:** Like a number of us, I have heard constantly that the minister has said that this bill is before the house on the recommendation of the IGA report and that it is a serious attempt by this government to reduce the impact of problem gambling in our society. Like all of us, I have read the IGA report, but I took the trouble, early this morning or over the last few hours, to look again at some of the recommendations contained in it and at the basis upon which they were made.

As we have already been debating this bill for such a long time, it is quite instructive to try to put it in perspective. Many of the key findings of the IGA report and its recommendations came from the Productivity Commission report. I will not go into all the detail but, essentially, the Productivity Commission report states that the government policy approaches on this subject need to be directed at reducing the costs of problem gambling, and I guess we all agree with that. It goes on to say quite emphatically:

> The policy decisions on key gambling decisions have, in many cases, lacked access to objective information and independent advice, and community consultation has been deficient.

If you accept, as the minister keeps telling us, that this is the government's serious attempt to address the issue of problem gambling, and if you go back to the actual source of some of the material, it has to make you pretty suspicious. Where we are heading, as so many of us have said, probably will not make all that much difference. However, if we accept that it will make some difference, the next thing we do is to go through the material that is made available to each of us before we consider what we are going to do.

Like all members, I have been receiving heaps of material. The Gambling Task Force put briefing paper No. 2 into our pigeon holes yesterday. Under the heading of 'Amendments test', the briefing paper states:

> In considering all amendments, we urge you to apply this test: does the proposed amendment increase the likelihood of reducing problem gambling in South Australia?

When I saw the member for Fisher's amendment I sat down and did a few quick calculations. It seems to me that, with the constant focus on reducing the number of machines, in addition to reducing the number of machines and reducing the time that is available for people to put themselves in front of those flashing lights to lose their money, you go from a 25 per cent time absence in playing (as exists now) to a 33 per cent reduction. I would have thought that, if a gambling addict cannot access a machine for eight out of 24 hours, that will have some effect.

Once I had done those quick calculations, I then went back to the IGA report. If you go back to some of this reference stuff it is pretty instructive. I will quote two paragraphs that talk about the relationship between numbers of machines and problem gambling. The report gives the basis of the underlying theories upon which this legislation is now before us. I think many members acknowledge that it is a most appalling bill and should have been redrafted many weeks ago. Page 24 of the IGA report, under 'Underlying theories' (and if anyone understands what on earth that means, I would be very interested to hear), states:

> Intuitively it may be concluded that the greater number of gaming machines the greater will be the amount of gambling that is done and the amount spent and lost. Consequently, the greater will be the incidence of problem gambling.

Okay, we can accept that. But try this:

> By parity of reasoning, it may also be argued that greater proximity between those who might be inclined to gamble and convenient venues will result in greater levels of gambling and significantly more problem gambling not only because proximity will tend to catch the compulsive and impulsive problem gamblers but also because the accessibility is likely to increase the level of coincidental or experimental consumption of the product, including among those who may potentially be vulnerable.

Now, excuse me. Maybe the criteria by which this report was written was to use 100 words when 10 might suffice. The report then goes on to say:

> Conversely, if it were possible to restrict the supply it may be possible to restrict consumption and therefore consumption by people who are either problem gamblers or are at risk of becoming problem gamblers. . . the opposite view—

having just tried totally to confuse people—

> is that demand for the gaming machine experience is unrelated to supply and that, if anything, restricting the supply creates distortions in the market which can have undesired and perverse effects. This view contends that, by liberalising supply, the market will tend to rationalise demand.

I urge members to have another look at the book and the report upon which this minister tells us that we will go down the track of reducing the issue of problem gambling. If one takes some of that in the literal sense, I would have thought that knocking out 33 per cent of the hours in a day has got to move over onto the accessibility issue about which we have been talking. It really does get to be more extraordinary when one looks at the basis upon which we are debating this bill. Again, I come back to the Productivity Commission, which found unequivocally that the prevalence of problem gambling

is related to the degree of accessibility to gambling, particularly gaming machines.

I would have thought that accessibility must relate to the time that someone can spend in front of a machine. I thought, 'Well, there must be something in this report about the number of hours that someone can spend in front of a machine.' However, following a pretty good look, I found this amazing statement, to which the minister has not referred:

> The Productivity Commission's conclusions were not without qualification.

So, we are told in the most convoluted way that the number of machines is the problem (that is, if you can dissect it at all), but it then says that its conclusions are not without qualification. The report further states:

> While there is clearly an established link between density of gaming machines and gaming machines expenditure, the link between density and problem gambling was less strong.

Well, excuse me, but it cannot have it every way. It is just extraordinary that the minister is using this reference point (which, I guess, most of us read months ago) to tell us what a great success this bill will be. It is incomprehensible, and breathtaking is a word that I would also throw into the equation.

However, the reason I took the trouble to go back to this extraordinary IGA report—and I really think they ought to learn how to write a sentence that makes sense and is understandable—is that on page 95 there is a wonderful heading, 'Other harm minimisation measures suggested in the course of consultations', and I would have to say that there is not too much of that in the bill that we are debating. There are 15 suggestions, and I will not run through them all because some of them are already in operation in our state. Many of them have been at the initiative and suggestion of the hotel and hospitality industry itself. Many have been implemented at the suggestion of the welfare and care industry. The only reference that you can see to this issue of time is in one of the points which states: 'A uniform six-hour break in play across all gaming machine venues might help.' Well, we have that.

*The Hon. I.F. Evans interjecting:*

**Mrs HALL:** Not uniform, okay. We have the six hour break. So what we now have is, in my view, a genuine attempt by the member for Fisher to come up with another suggestion that, in its wisdom, the IGA has not addressed. Many of us have spoken at various stages of this bill and I think it is fair to say that most of us want something done, because we do not believe this bill is going to do any good whatsoever in actually reducing the issue that we are so concerned about. The member for Fisher has done an admirable job of stringing together an amendment that should be given a go. I have heard members on the Labor side saying that, while they think the principle might be right, excuse me we are not going to vote for it. We thus come back to the whole hypocrisy, in my view, of the debate so far on this conscience vote. We have not seen many members of the Labor Party vote against most sections of their bill. Any time there is a bit of a strain and some of them decide to join us in our views on the vote, within the next couple of clauses the minister gets up and tells us in a most patronising and intimidatory manner—which does not work too well in this chamber—why we have to go back to base principles.

I suggest that the minister have a look at the IGA report and try to understand some of the nonsense that is in there, but comes back to the base conclusion that they do not really think that the information that they are working with is sufficient to make hard recommendations, and yet we are embarking upon a set of clauses in a bill that is just quite extraordinary. I urge members of the chamber to seriously consider supporting the member for Fisher's amendment. I think it is a genuine attempt, and I believe it should be given support by members, to give it a go and see what happens.

**Mr HAMILTON-SMITH:** I commend the member for Morialta for her well-researched remarks which, I think, using the language of the IGA's own report, explain why the amendment put forward by the honourable member should be supported. As outlined, the amendment proposes to reduce the number of hours of operation for a venue so as to exclude it from the cut in the number of machines. As my friend and colleague explained, the logic is that, if the venue is open for a short period of time, there will be an impact on problem gambling. In terms of the IGA's report, she has outlined why this is so.

I note in the executive summary on pages 2 and 3 of the IGA's report that the number of machines and the availability of machines is emphasised again and again as a principle cause of addiction. Of course, this is an area which the government clearly did not want to go down, because we know that the underlying criterion the government has applied is that it does not want to reduce gaming revenue. It wants to keep the money rolling in. That was the prerequisite: we do not really want to stop problem gamblers from gambling because we need their money. If the government came up with something quite novel, through the IGA and their pre-communications with the IGA prior to the completion of their report, it could have come up with something along the lines of the restrictive term of trading for venues that keeps people out of venues. Would it not be interesting, for example, if they said there should be restrictive evening and weekend gaming. It would have been interesting if they had they gone down the road of containing the number of hours that a venue can trade, as this amendment by the honourable member purports and proposes. They do not want to go anywhere near it because it is going to affect revenue.

We know from the debate to this point that reducing the number of machines is not going to help problem gamblers; it is going to do nothing for problem gamblers. I reiterate that I want the government to abandon this measure, and come in here and double the size of the gambling rehabilitation fund. I know that the minister talked about $2.1 million which the government claims to have put into the fund; I think the Premier talks about a figure of $3.1 million. If the government was to double that amount to, say, $6 million, and sit down and rationalise and analyse the problems that gamblers have—I mentioned some of them earlier, including some of the programs that could be introduced to help the people who have a problem—and actually spend money on the problem, they might do something about it, instead of having this silly measure of reducing the number of machines, and getting the industry to jump through hoops and a complicated trade back system which, as we know, is going to cause endless grief to a range of proprietors of private hotels, clubs, community hotels and so on; all of which is so unnecessary, and all of which is going to do nothing to help problem gamblers. In fact, what the government is proposing to do further abuses problem gamblers by moving them from small venues to larger venues where the machines will remain bountiful, and will be unconstrained in terms of their hours of operation.

So I see considerable merit in the amendment. I recognise that it will have the effect of virtually scuttling the bill. That is virtually what it will do, because it will exclude any venue that chooses to close and constrain its hours of operation in accordance with the time periods specified. So, a large number of hotels and other venues will be able to escape the requirement to surrender machines. I supported the clubs exemption last night because I recognise that to cut the number of machines is nothing but nonsense, and I will support this measure because I see that it will also enable a number of other venues to escape the requirement for the cut, because it will do nothing for problem gamblers and they will escape this complicated trading system. In essence, this amendment turns the bill on its head.

However, I would like to see, and I look forward to getting to this part of the bill, constructive measures taken by the government in spending money to help problem gamblers with their addiction, because I think that is at the nub of the issue.

**Mr RAU:** It occurred to me listening to the member for Waite that we have spent a long time getting this bill to not a particularly advanced point and, in that lengthy and fairly painful period (if you are like me and have been on the losing side of almost every single vote), everyone except me has agreed to pretty well a fairly clear structure. The clear structure that everyone except myself—and the member for West Torrens, who deserves credit (if that is what it is to be with me in this losing streak)—is basically that we should have a reduction in trading, we should have a reduction in machines, and they should go from 40 to 32, etc. All of this has already been decided: it is already in the bag.

Now, as the member for Waite quite properly points out, the amendment being offered by the member for Fisher—and I am not criticising the member for Fisher in this regard because it is the tail of his amendment that I am talking about here, not the head of it: the head of it I agree with, which is the restriction of hours—says if you have a restriction of hours you can have an exemption, in effect, from the reduction. We might as well remove every clause that we put into this legislation for the last painful couple of days. When I go home my wife asks me, 'What have you been doing?', and I will be able to say, 'I have been doing a lot of stuff but we should have spoken to the member for Fisher in the first place because he has been able to work it out in one clause and there has been much ado about nothing.'

The bottom line is that, if we actually pass this thing, I guess if we are trying to create an exponential level of absurdity in this legislation, it is possibly the way to go. But, the second part of the member for Fisher's proposition (not the first, which I agree with, but the second part) has the effect of undermining the whole legislation and it will mean that every hotel will say, 'We do not mind closing for another couple of hours and we will keep all of our machines, thank you very much.' Because of the rest of the provisions, they will get their capital gain out of the tradability (and I will not rehash all of that), they will get all these benefits, plus they will not lose any machines. So, I think in the present form we need—

*The Hon. R.B. Such interjecting:*

**Mr RAU:** We need to be consistent, though. I am trying to be consistent in the sense that I consistently do not like making it easier for gaming machines, but this is unpicking the whole process and it is completely inconsistent with everything we have already done.

**The Hon. I.F. EVANS:** I think I understand the member for Enfield's argument. He is saying that, if we are half way through making a bad law, do not accept a good amendment that will correct the bad law, otherwise all the time we have spent to this point would be a waste. I support the member for Fisher's amendment. As the member for Fisher knows, I raised this very concept during my second reading contribution and raised it with the hotels association six to eight weeks ago.

**Ms Ciccarello:** And they loved it!

**The Hon. I.F. EVANS:** Well, as did the clubs, as I understand it. They liked the idea of simply having a greater restriction on access to gaming machines; then we would not have had to worry about any of the other rubbish we have been talking about for the last few days. If the member for Norwood thinks the matter through, the government in its bill is saying that restricting access will reduce problem gambling. There are at least two ways you can restrict access: you can do it by reducing the number of machines or by simply restricting the amount of time the machines are available. Currently, under the government's model, we will go from 40 machines to 32—

**Ms Chapman:** Temporarily.

**The Hon. I.F. EVANS:** Well, for the time being, and those 32 machines can trade for any 18 hour period they wish, and that 18 hour period can be a different 18 hour period to that of the hotel next to them. So, the problem gambler can go from hotel to hotel because the six hour down time of the machines can be different in every venue. The member for Fisher's amendment does two things, in essence. First, it increases the amount of down time by two hours, which is a 33 per cent increase in the time that gaming machines are not available. The government would only reduce it by 20 per cent. So the member for Fisher's amendment provides a greater percentage of time when gaming machines are not allowed, so it actually provides less access to gaming machines. So, if you believe the argument that access to gaming machines reduces problem gamblers, the member for Fisher's amendment needs to be supported.

The second thing the member for Fisher's amendment does is uniform the eight hour period. It increases the six hour period to an eight hour period, then uniforms the amount of down time the gaming machines are not available. That essentially means that the problem gambler has nowhere to go other than the casino.

*Mr Caica interjecting:*

**The Hon. I.F. EVANS:** It is done with the agreement of the commissioner, and the amendment says that, if it is done with the agreement of the commissioner, the commissioner will uniform them, and that means the problem gambler has nowhere to go. The argument of the government's current provision goes something like this, and I think I used it in my second reading contribution: if an alcoholic is being served in a pub with 40 kegs and somehow you reduce the kegs to 32, the alcoholic will not get a beer. I do not believe that; of course, they will.

The way to restrict access is to reduce the hours of trade. If the government had thought this through, a far simpler bill, which would have taken two hours to debate, would have simply picked up the concept of increasing the down time and making it uniform (as proposed in the principle outlined by the member for Fisher), and it would have solved every single argument that we are having except the cap on tax. You would not have had to have tradability—all the machines could have stayed there; you would not have had to have a

regional cap; and you would not have had to worry about exempting the clubs, transferability, or a numbers freeze. Indeed, you would not have had to worry about any of those issues in this debate. It would have all been solved in one bill. There would be no capital works problems involved in the hotels pulling out the machines and doing repairs.

None of those arguments would have to be had because we would have decreased accessibility to gaming machines by 33 per cent, the eight hour period would have been made uniform, and that would have meant that the problem gambler would have had nowhere to go. So, I support the principle outlined in the member for Fisher's amendment because I think it is right and a far better solution to problem gambling than what is being offered by the government in this bill.

**Mr KOUTSANTONIS:** I have listened intently to the member for Davenport's contribution on the member for Fisher's amendment. I understand what he is trying to say, but increasing the time without reducing the number will not help problem gamblers. I understand he is saying that we should increase by 33 per cent the time that venues are not available, but what that does not do is decrease the number of venues. That is the flaw in the argument of the member for Fisher and the member for Davenport. The problem for problem gamblers is the availability of venues. We know that problem gamblers do not travel too far to venues; they travel locally.

*Mr Hamilton-Smith interjecting:*

**Mr KOUTSANTONIS:** I have voted consistently on this. Can you say the same?

**Mr Hamilton-Smith:** Absolutely.

**Mr KOUTSANTONIS:** The intent of the amendment is a good idea. However, without reducing the number of venues and the accessibility, there will be a net real impact on problem gamblers. The member for Fisher has all the best intentions in the world—I think he is a very good member of parliament—but I believe the only way to attack problem gambling is to keep the spirit of the bill alive. This amendment changes the entire intent of the bill. The member for Davenport is wrong in what he says: changing the availability of venues whilst not reducing the number does nothing for problem gamblers. What we need is a small amendment to the member for Fisher's amendment to remove the part about not losing any machines, and that would have an impact on problem gambling. However, as it stands, all this amendment does is say that for two extra hours you cannot gamble, but there are still 40 machines.

There are very few poker machine outlets where all the machines are being used every hour of the day. There are one or two very popular venues and some that are not very popular. As someone who has lost a dollar or two on poker machines, I can tell you that they are not always that busy. So, even though they might be closed, the turnover would be the same, because the very argument that the member for Davenport uses is the very argument that he used when he said that the bill will have no impact on problem gambling because it will not change revenue.

The member for Davenport came into this place two or three weeks ago and said that this will have no impact because it will not reduce revenue. That is the same as the argument that he has just made. The truth is that time is not the issue; it is venues. Venues are the issue, not poker machines. Whether they are open 12, 18 or 19 hours a day, the amount of revenue will not change. What will change is the number of venues. We need to have fewer venues. I cannot support the member for Fisher's amendment, even though I would like to. I think its intent is good, but without the remainder of the bill being followed through (that is, a reduction in the number, therefore having fewer venues), there can be no impact. So, I cannot support the amendment.

**The Hon. W.A. MATTHEW:** I will start by correcting the direction in which the member for Fisher is endeavouring to take this bill, because he is attempting to focus on the crux of the problem. The crux of the problem in relation to gambling is not the number of machines; rather, it is the access to machines. The logic behind the member for Fisher's amendment is simply that if you reduce the number of hours of access that will reduce the amount of gambling time. I have a dilemma with the mathematics of the formula that is being applied under this amendment. So, as part of my response I will move a further amendment to the member for Fisher's amendment.

The member for Fisher proposes that there be a period of at least eight hours in which machine access is removed. Because of the way in which these machines operate at present, there is already a period of six hours when access is not possible. The effect of the member for Fisher's amendment is to take away a further two hours of access time. If that is done with 40 machines at a venue, that effectively reduces the overall maximum possible gambling time by 80 hours. Contrast that with the present intent of the government legislation: that is—at least in the first pass—to remove eight machines. With eight machines removed from a venue for the present 18 hours of operation possible, that is 144 machine hours removed, in theory.

We know that, in practice, through the trading scheme, hotels will be able to buy that back. Leaving that argument aside and focusing on the mathematics, if 144 hours of machine time are to be removed by the bill as it stands, I certainly could not support an amendment that would then remove only 80 hours of machine time. However, I have discussed this issue with the member for Fisher, and he has indicated to me a level of comfort with changing the present amendment, which allows for a period of eight hours when machine access is not available, to a period of 10 hours.

By simply moving that 10 hours instead of eight hours be included in the amendment, it would then have the effect of taking 160 hours of machine time away; that is, 40 machines by four hours against the 144 hours proposed by the government. This would be a far more satisfactory arrangement if the government is serious about its intent to reduce problem gambling. I put to the minister for serious consideration that, by adopting the member for Fisher's amendment, but amending it to read 10 hours instead of eight hours of down time as a minimum, we would reduce further the amount of machine access time. That ought further to assist combating the incidence of problem gambling. I put to the minister that that then simplifies the whole equation and starts to answer a lot of the problems raised by various members in this place.

I know that a number of my colleagues who represent rural electorates have been concerned that the machine trading scheme would allow a country hotel to perhaps see that their poker machines have a greater value than the business, and they are concerned that that country hotel might sell all its machines and vacate the business. That country area would then lose its central focal point and place of congregation, that is, the country hotel. This would eliminate that difficulty.

The minister is also aware that the trading scheme is far from perfect, and I am sure that he must have spent many hours labouring over the options with the trading scheme. If

we adopted the member for Fisher's model with a 10-hour non-access time, we would not then need the tradability, all the cumbersome provisions and administration, and you would not need the public servants there to administer it. You would finish up with a cleaner, simpler scheme.

It may be that the minister or another honourable member could also arrive at a particular hour of operation to take it further, and there may be a fixed down time for poker machines across the state. A number of things might be possible. In fact, it could even be done by regulation. I put those matters to the committee for consideration. In doing so, I move to amend the member for Fisher's amendment, recorded as amendment 6(21), as follows:

All references to 'eight hours' be amended to read '10 hours'

**The ACTING CHAIRMAN (Ms Thompson):** Is that amendment available in writing?

**The Hon. W.A. MATTHEW:** It is indeed, Madam Acting Chair, if you wish to have that.

**The ACTING CHAIRMAN:** It must be in writing, member for Bright. If it is not in writing, it does not exist.

**The Hon. W.A. MATTHEW:** It will be so done.

**Mr MEIER:** Like so many of my colleagues who have spoken, I have some sympathy for the member for Fisher's amendment from the point of view that it seeks to restrict the time gaming machines are open. I had thought of introducing an amendment along a different line, which I will outline shortly. However, as members have already heard, this bill is so fraught with problems that I do not believe it can be fixed to any great extent. It would still be lacking a lot in what I believe should be the case. However, I can see what the member for Fisher is seeking to achieve.

The most recent speaker, the member for Bright, has moved an amendment to amend the member for Fisher's amendment to read 'eight hours' instead of '10 hours'. In other words, any gaming establishment that seeks to retain its machines would be able to do so if it agreed to close for a minimum of 10 hours each day, and this makes even more sense to me. However, I think the member for Fisher is too generous in saying that they do not have to reduce their machine numbers. I believe that there should be some small trade-off: perhaps instead of losing eight machines they lose six or seven machines, and they get to keep one or two that they would otherwise have lost. I see some possible sense in that, and this sort of thing can be considered between here and another place.

In fact, my suggestion for the cutting of hours would not be in terms of an eight or 10 hour cut but would be in terms of a closing time. As members may recall, I mentioned in the second reading debate that one hotel on South Road closes at 5 a.m. This amendment would mean that it could open only at 3 p.m. if it closes at 5 a.m., and that would restrict the hotel somewhat. However, I think a better amendment would be to have a closing time, and I make the following suggestion. I believe that on Sundays hotels and gaming establishments should close at 10 p.m. (and some possibly do at present); from Monday to Wednesday, we could possibly make it 11 p.m.; Thursday, midnight; Friday, possibly 1 a.m.; and on Saturday at 2 a.m., recognising that people probably go out more on a Saturday night. I think that would have a more realistic effect on the hours of opening than simply cutting it by 10 hours.

If several establishments got together, they could say, 'We might vary it,' and it might not solve the incidence of problem gambling. As I have said on previous occasions, I believe that problem gamblers are there for a variety of reasons, one obviously being access to the poker machines. If we restrict the time they are open, we will certainly cut back on potential problem gamblers. However, that does not mean to say the hotel has to close then; it simply means that the gaming area would close at the hours I have suggested.

I am not going to move that amendment formally here—if someone else wants to, that is fine—but I would hope that it can be considered between here and another place because something has to be done on the closing hours. If we are serious and realistic about seeking to attack the problem of problem gamblers, then the hours of trading or the hours of opening with the gaming machines has to be dealt with.

I believe that the member for Fisher's amendment is a step in the right direction. I am prepared to support it for that reason. I do not believe it is a step in the right direction in indicating that they can still keep the same number of gaming machines and, as I have said, that may be a small trade-off. I even have some questions about that. If I had my way (and I know I have lost most of the votes so far, so I am not in the majority in this place), then we would have a cut-off time as I identified earlier.

Despite the reservations, I am happy to support the member for Fisher's amendment. Assuming that the written amendment by the member for Bright has now reached the floor of this house, obviously I would be happy to support the 10 hours. The member for Fisher indicated earlier that he is happy for his amendment to be varied marginally one way or the other.

**Mr HANNA:** I am glad to see that many members are concerned about the hours during which machines may operate, because if the bill is genuinely to address problem gambling then it must address the issue of access. The government claims this is done through the trading system which allows smaller venues to be bought out by the larger players thus creating whole communities that become pokies free. I think that is a good thing. That is why at the end of the day I will end up supporting the bill—probably.

However, the proposition put forward by the member for Fisher threatens to gut the bill. By tying the issue of hours to the buyback or transferability provisions, it will give an opportunity for a huge proportion of the high turnover venues to not lose any machines. So they will keep going as they are. A restriction of eight or even 10 hours a day does not mean much to the problem gamblers. It still gives scope for the pubs to operate all of daylight hours and well into the night.

I advise members that, at an appropriate stage later in the deliberation of the bill, I will move an amendment which says that you cannot operate gaming machines in this state after midnight and before noon. That is it. It is not tied to anything; it is not conditional—that is it. You just close them down for 12 hours a day and in that way you are really limiting access. That way you are really going to strike at problem gambling for those who are genuinely concerned about that. For those people who genuinely want to go and enjoy their leisure time playing these machines, surely between midday and midnight they are going to be able to find some time to do that. If they want to go and have lunch down at the local club and a few old ladies want to go and put a few coins in the machine after lunch, fine. If people want to have a drink after work and play the pokies, fine. If people want to go out in the evening and after dinner or after a movie go and play the pokies any time up to midnight, fine. I am not standing in the way of that.

Surely if you cut the hours to that extent so that people cannot play after midnight or before noon, you are not going

to interfere with the rights of those who want to enjoy their leisure time and put a few dollars into the machines, but you are going to strike at problem gamblers who are there currently at half past seven in the morning and who are there at 2.30 at night. If you cut availability of the machines to that extent then you are actually going to hit at problem gambling. I let members know that when we come to part 4 of the bill—we are currently on part 3—I hope this side of Christmas, we can deal with that amendment. I trust that members who are genuinely concerned about the hours of machines being available will not tie their concerns to the issue of the buyback, because it will gut the bill.

**Mr KOUTSANTONIS:** I want to appeal one last time to those country members because if the member for Fisher's and/or the member for Bright's amendment is carried it will not reduce a single venue in country towns—not one. The idea of this bill is to remove venues. Although the amendments moved by the member for Bright and the member for Fisher are well intentioned, they will not reduce one single venue.

There is a parallel here with trading hours: whether shops are open 12 hours or 24 hours a day you still get your shopping done; whether hotels are open 12 hours or 24 hours you can still lose your house, you can still lose your money. We know from the research that the IGA has done that what stops problem gambling is reducing venues. What this bill does is reduce venues. Whether a venue has eight machines or 40 machines, sure it is important because of the number of people who can gamble. The consequence of the Bright or Fisher amendment would mean that those small venues in those small regional towns remain, and you do nothing for problem gamblers. The amendment says, 'Access to be eight hours determined by the commission,' or 10 hours. So what if they are closed between 10 p.m. and 9 a.m.! You can still go gambling during the day. What we need to do is close venues.

I accept the argument by some members who say, 'Well, in places like my electorate they will still trade back up to 40,' but what we will do is make it more difficult to get to the venues. If you are just reducing the hours, you are doing nothing to help the problem gamblers. We have to take machines out of the system. That is the intent of the bill. That is the intent of the IGA. The experts have told us that closing venues will reduce problem gambling. The closure of venues is the critical issue here, not times when you can gamble. If you are a small regional community with one venue that has 10 or 12 machines and you restrict their hours with no loss, you do nothing for problem gamblers. Under the current proposal those small venues will get rid of their machines and you will lose the venue altogether. That is the key to helping problem gamblers. I ask those members in regional communities to please consider this: the way to help your regional constituents who are problem gamblers is to oppose the Bright and Fisher amendments to make sure that those regional communities can get those machines out. Last night I was speaking to a manager—

**The Hon. R.B. Such:** Where would they go?

**Mr KOUTSANTONIS:** That is a very valid point, member for Fisher. Yes, they will go to the larger pubs and they will be central. Yes, I accept that, but in the smaller regional communities they are the least able to lose the money, where we have working poor communities who are asset rich and income poor losing their money on these machines. If you want to close venues you have got to get rid of machines. I spoke last night with a publican from Quorn who said to me that with tradability he will get rid of all the machines and open a bed and breakfast. That venue will be gone forever. If the Such amendment gets up, that venue stays in Quorn. So, I urge regional members, do not allow this to get up because it will mean that venues will remain open. You will not be reducing the number of venues, and you will do nothing to stop problem gambling. All you will do is restrict it. It is like restricting the sale of tobacco. Restricting the sale of tobacco does nothing to stop people from smoking; it just makes it harder for them to buy tobacco. If you restrict the hours that they can gamble, they will just gamble when they can. The way to stop problem gambling is to reduce the number of venues, and that is what this bill does. So, I urge those people in regional communities to oppose these amendments.

**Mr BRINDAL:** I have heard gnats make more intellectual commonsense buzzing around than the member for West Torrens just did.

**Mr KOUTSANTONIS:** I rise on a point of order. Given the churlish screams earlier today by the member for Unley about people interjecting when they make remarks, I think he has just lowered the tone of the debate again and brought his constituents into disrepute.

**The ACTING CHAIRMAN:** Order, member for West Torrens! A point of order is addressed to the chair.

**Mr BRINDAL:** The point is this: what the member says makes no sense at all.

**Mrs GERAGHTY:** I rise on a point of order. Earlier today the Speaker said that it was inappropriate to compare members to animals, and I presume that that would include insects and other bugs.

**The ACTING CHAIRMAN:** Order, member for Unley! I am dealing with a point of order. You will resume your seat. Member for West Torrens, did you ask the member for Unley to withdraw? You were not addressing the chair so I did not hear.

**Mr KOUTSANTONIS:** Sorry, Madam Acting Chair. I do ask him to withdraw because I am deeply hurt.

**Mr BRINDAL:** If he is so thin skinned, I have got—

**The ACTING CHAIRMAN:** Order! There is no qualification to a withdrawal. Please consider whether you withdraw.

**Mr BRINDAL:** I will unequivocally, humbly, and reverently withdraw, if that will suit him. It is not unparliamentary but out of deference to the chair I will apologise. If I wanted to pick a fight I wouldn't because I don't have to. I have; that's the end.

**The ACTING CHAIRMAN:** Order! The member for Unley now has the call.

**Mr BRINDAL:** As I said, what the member for West Torrens says makes no sense at all, and it makes no sense on the following grounds. It appears that the member for West Torrens understands (which I do not, and which I have seen nothing written about) as to where the occurrence of problem gamblers actually occurs, and I would have thought that if he looked at the provision of services by the big organisations, St Vincent de Paul, Anglicare and others, he would be aware that the member for Enfield's plea to this house over the last couple of days has a lot of resonance, because Anglicare, St Vincent de Paul, and others, have outreach programs for problem gamblers in the areas that the member for Enfield represents, and in the northern and southern suburbs. They do not have extensive outreach programs, so far as I am aware, in Quorn and other regional centres. That would suggest that those who provide help to problem gamblers do

so where they consider it is needed or concentrated, which is a point constantly hammered during this debate by the member for Enfield.

The member for West Torrens is arguing, 'Let's continue tradability to close down venues in those regional places where apparently there is no real problem' to shift the problem, as the member for Enfield has said, back into his electorate where there is a problem, so everyone can be happy. The churches can be happy because they can continue to get the welfare dollar, the problem gamblers can be happy because they can continue to gamble, and the parliament can be happy because we can continue to con the people and we have made no difference. The member for Goyder will not be happy because he wants to keep a few machines, at least, in his area, but the member for West Torrens being that great, passionate follower of Liberal tradition wants to—like they are building police stations in all Liberal areas, like they are providing everything for our electors—save Liberals from themselves, protect the Liberal voters of South Australia and heap all the odium, all the ills of the world, on his own electorate.

What the member said makes no sense. It makes sense only in so far as—and I would hate to accuse the member of improper motives so I will not—where the member for Fisher is suggesting that tradability be a count off you will not get to 3 000 machines so you will not have this set piece to take to the people of South Australia. You will have a sensible conclusion reached by the member for Fisher that there will be less problem gambling but you will not be able to point to less machines, and you might not get exactly the same revenue results as they are now seeking. The great con of this is simply, as has been said time after time by the minister and the Treasurer, there will be no revenue diminution as a result of this measure.

*Members interjecting:*

**Mr BRINDAL:** There will be an increase, as my friends in the front say.

*An honourable member interjecting:*

**Mr BRINDAL:** He cannot use the word diminution because he does not know it. Lessening is the word that he probably used. So, if there is going to be an increase in revenue it follows that the number of people gambling and the money that they are putting through the machines is going to increase. How can that then equate to a reduction in problem gambling? This bill is a con. What the member for Fisher proposes in his amendment actually looks at what this bill purports very shallowly to do. The member for Fisher says, 'What is this bill about? It is about reducing problem gambling.' He has come up with a formula that I think suits, maybe, the member for Goyder, the member for Kavel, those country members who might want to keep the machines but not have them running out of control in their area, and for the member for West Torrens to get up passionately and defend Liberal values and Liberal electorates does him great credit. We have often thought on this side of the house that he perhaps belongs here a little more than he belongs there, though he would be a tad too conservative for some of us.

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

**The ACTING CHAIRMAN (Ms Thompson):** The committee is currently considering amendment number 6 (21) moved by the member for Fisher and an amendment to that amendment moved by the member for Bright, which is amendment number 6(31). The member for Kavel.

**Mr GOLDSWORTHY:** I have a couple of questions that I want to put to the member for Fisher with respect to this amendment. My question arises from the contribution of the member for West Torrens before the dinner adjournment. The member for Fisher's amendment is looking to delete all the clauses regarding transferability of machines. If that is the case, how does the honourable member think he will be able to reduce problem gambling in those communities that are keen to close the venues? The only way in which you can close venues is by transferring machines out of those smaller communities.

In my second reading contribution I talked about the smaller towns in the Adelaide Hills, and I can see that this is a very good mechanism to get every poker machine out of those small towns. Problem gamblers will not have any poker machines at all to play in those towns. Okay, they might consolidate in the south at Hahndorf and Mount Barker but, as I said in my second reading contribution, if the Productivity Commission is correct, people in the northern part of the Hills will not travel 30 or 40 kilometres to those areas.

I am curious to understand where the member for Fisher is coming from in terms of moving this amendment, which will delete the clauses regarding transferability. If the honourable member wants to keep transferability in, why does he not introduce an amendment to reduce the opening times of the poker machine venues?

**The Hon. R.B. SUCH:** The member for Kavel's point is prompted, I think, by the contribution of the member for West Torrens. First, I will deal with the argument put by the member for West Torrens. I think that it is fallacious. The argument that you will take machines out of country towns where there is allegedly a gaming problem—which I do not believe has been demonstrated—

**Mr Goldsworthy:** There is arguably a problem in every community.

**The ACTING CHAIRMAN:** Order!

**The Hon. R.B. SUCH:** I do not see the logic in the argument that you will solve problem gambling by transferring machines from some little country town, or a number of them, to the big gaming venues in the city. My understanding is that the areas of Adelaide that are getting the large amounts of money taken out of them through gaming machines are in what some people have traditionally called the 'working class' areas—the northern and southern suburbs. They are not all working class areas but, basically, the areas in which people reside who are in the lower socioeconomic category in terms of income. I think that whole argument is flawed.

I put the same caveat that I have put from day one: I do not think anyone really knows what will happen as a result of this bill. It is an exercise in hope that something might occur in terms of improving the situation with regard to problem gamblers. In terms of transferability, I do not see a problem as a result of what I have moved in my amendment. I believe that this makes life a lot easier and simplifies the whole process in terms of the administration and all other aspects of transferability. There needs to be some mechanism to sell machines and transfer them. I do not see that my amendment in any way prevents a rational, sensible approach to transferring machines at all.

**Mr Goldsworthy:** Your amendment does not affect it?

**The Hon. R.B. SUCH:** I think it is hard to say that the amendment will not affect it at all, but I do not believe it will significantly prevent a reasonable, sensible transfer, which is able to occur, anyhow. I do not profess to be an expert on transferability, but I do not see that what I am proposing here

would stop that process of being able to transfer machines from one facility to another. I have always been a great believer in market forces rather than the heavy hand of bureaucracy; but I realise that, in the gaming area, you must have some provisions, some safeguards.

I would prefer to see the market operating rather than governments and bureaucracies trying to control people's lives and their business activities. I do not know whether that answers the honourable member but, as I say, I do not profess to be an expert in transferability.

**Mr GOLDSWORTHY:** I thank the member for Fisher for his response to my question, but it does not necessarily clarify the situation in terms of the points I raised. I understand that the honourable member is saying that if you have this transferability mechanism you could well consolidate a greater proportion of poker machines in areas that could look arguably to have a greater social impact than perhaps how it was previously. If we take the minister and the government on face value that this is the first—

*The Hon. R.G. Kerin interjecting:*

**Mr GOLDSWORTHY:** That is a question, really, Kero.

**The ACTING CHAIRMAN:** Relate your comments to the amendment that we are considering, please.

**Mr GOLDSWORTHY:** We are treating this piece of legislation as the first step, I presume, of many measures to come in the years ahead. There is a consolidation of poker machines in particular suburban areas, but there is no reason why the government cannot introduce legislation in the relatively short-term future, to address those issues which we have spoken about—smoking, ATMs, loyalty schemes, and a raft of measures that could be introduced to reduce problem gambling in those areas where there is consolidation.

**The Hon. R.B. SUCH:** In terms of the question asked by the member for Kavel, the bill, as it is presented, allows for regulations which will deal with this issue of transferability. Section 27D(2) states that the tender system is a system established by the regulations, and part (3) states that the regulations establishing the approved tender system may include certain provisions. I do not see that there is a problem, because whatever the main thrust of the bill turns out to be the regulations will be drafted to take account of those main provisions.

**Mr KOUTSANTONIS:** I think we have to go back a step. The way to reduce problem gambling is to take machines out of the system and reduce the number of venues, and there is a simple way of doing that. The member for Fisher's argument is, I think—and I stand to be corrected—that you will have your super hotels that go down to 32 and then trade back to 40. It is still one venue, and it still cannot go past 40 machines. The effect of the member for Fisher's amendment is that in all those small regional areas, and by regional I am talking about the small country towns, and in parts of my electorate, where there are eight or 12 poker machines, where they are not viable, they will remain.

**The Hon. R.B. Such:** How do you know they are not viable?

**Mr KOUTSANTONIS:** Good point! The member for Fisher asks how we know that they are not viable. It is because these small groups want to cash up on tradability and get their money at whatever the current market is, and if a cap comes in later and it is $50 000, they will get that $50 000. Your bill gives those small venues no incentive to close—none whatsoever. The bill says to those small venues with a limited number of poker machines, 'You can trade your poker machines; we'll take one out of the system as a percentage of whatever they trade,' and they get a cash incentive to get rid of them. You could have a club that wants to, say, upgrade its change rooms or put in lights, so it sells its 12 poker machines. The member for Fisher is saying, 'Oh no, no, no, don't trade them; you keep those machines; they will stay.' As a gambling venue that venue remains. All he is doing is restricting the time that venue can trade by an extra two hours.

*Mr Goldsworthy interjecting:*

**Mr KOUTSANTONIS:** Yes; because he says that poker machines will not be reduced; numbers stay as they are. That is what I do not understand. I understand the concept. The member for Fisher is trying to say, 'Okay, there are problem gamblers; we will make it harder for them to use a poker machine by extending the hours they remain closed.' However, he does not limit the number of venues. Ultimately, whether a pub has 40 poker machines or 32, you can still go in and have problem gambling. When you have a place which has poker machines with 12 machines and they trade out, they get out of poker machines to get their money for their machines, that venue is gone.

**The Hon. R.B. Such:** Tell us who they are.

**Mr KOUTSANTONIS:** They are small pubs in communities. There is a pub in Quorn that has 12 machines. The owner wants the change his venue from a pokie pub into a bed-and-breakfast, and he is going to pay for it by trading his machines out, and that will mean that there will be 12 less machines in Quorn. They will not be moved to another pub in Quorn; they will be out altogether, and that removes a venue.

**The Hon. R.B. Such:** He could do it now.

**Mr KOUTSANTONIS:** No he can't. If he just takes them out he gets no incentive, he just loses turnover. He does not get a cash incentive for getting rid of them. The member for Fisher is saying to that pub, 'To change your pub into a bed-and-breakfast, you must keep the poker machines to keep a revenue stream.' We are saying that we will give them a revenue stream by selling their machines—

**The ACTING CHAIRMAN:** Order! Guard, would you advise the person about the arrangements relating to mobile phones in the visitor's gallery please?

**Mr KOUTSANTONIS:** We are giving a revenue stream to those small venues by saying that they can actually get money for their machines, they are out as a venue, and they are no longer able to have poker machines because they have gotten rid of them. They get an incentive for that by getting cash. I voted against transferability, for separate reasons, but, now that it has been passed, if the member for Fisher's bill gets up, all we are doing is reducing the hours, not the venues. If we are serious about problem gamblers, we have to understand that it is the venue that is causing the harm, not the number of poker machines. If a pub has 32 or 40 poker machines, you can still get in to gamble, but if it has 12 and they are gone altogether, you cannot get in there to gamble because they are gone. The member for Fisher's bill gives no incentive for that small venue to close down in terms of being a pokie outlet. That is what is wrong with his bill.

**The Hon. R.B. SUCH:** In the case of Quorn, for example—I think it is probably unfair to pick on a particular town—I cannot see how the fact that they have three or four hotels—I think they've got four—leads to more problem gambling. If you shut one down it will make no difference in Quorn to anyone who has a problem with gambling. If you want to tackle the issue of transferability and people selling or trading poker machines, we will deal with that as a

business aspect, not as a measure to try and tackle problem gambling. The problem with this bill is that it is supposed to be dealing with problem gambling but it is trying to deal with the whole lot of issues that are not germane to that. If you close down one hotel in Quorn or Burra, or anywhere else, you do not solve the problem of problem gambling there. All you will do is end up with more machines somewhere else. I cannot see the logic in this so-called transferability. But, as I pointed out, the regulations that have not been drawn up can take into account whatever the substance of the bill ends up being. I do not think there is a problem.

**The Hon. R.G. KERIN:** The member for West Torrens raised some issues and I think the member for Fisher did a good job of expressing the concern that I felt as well, and that is: what is the agenda? If, in fact, we are worried about problem gambling, the comments made by the member for West Torrens—and I love the member for West Torrens, and this is not a personal criticism of him because I think he is a lovely man—really make you wonder why we are handling this bill. He talks about unviable venues, which means there is very little gambling in those venues, and some of them made unwise decisions and invested in machines which are sitting there pretty much unused.

The member for West Torrens put forward an argument that this amendment would stop those machines finding their way to a venue which is a lot more viable and becoming far more efficient at taking money. He used the example of Quorn, and there are several venues like that. I feel sorry for some of those people who have made the decision to buy pokies which are not particularly viable.

The member for Fisher's amendment does not stop transferability. What it may mean is, with this option put forward, there may be less machines that come onto the open market or, more so, some may remain with 40 machines rather than go back to 32 and therefore they do not have to go out and buy eight.

**Mr Koutsantonis:** But this is no reduction.

**The Hon. R.G. KERIN:** No, it is an option. The member for West Torrens, through his past work (and only work), understands Hindley Street and, from what he has told me, the pokie venues in Hindley Street would probably choose to give away machines rather than take the member for Fisher's option of dropping back eight hours, because it is a hospitality strip that picks up a lot of people who work in hotels and who will head to those areas to play. So, there will still be machines that come onto the market. But the member for West Torrens is arguing that we should be encouraging the inefficient machines to be sold to more efficient venues, because that is the only way a trade will be worked out price-wise.

So, I think the member for West Torrens has it slightly wrong. I know where he is going, but his argument is somewhat at odds with the minister's argument and the Premier's argument. The member for West Torrens is genuinely in favour of helping some of these people who have made a bad investment, but his desire to see poker machines move to a more efficient venue really goes against the thrust of what some of the people backing the bill want. I agree with the member for West Torrens on a lot of this but, as I said before, I support this amendment because I think it does a bit for problem gambling, and I have not seen much else in the bill that does; and, also, I think it gets us back to where this bill would not do as much damage—it will do as much good but not as much damage—as the bill in the form in which it was put before the house.

**The Hon. M.J. WRIGHT:** We have two amendments before us. The first amendment from the member for Fisher extends the hours for closure from six to eight hours and has no cut in the number of machines, although the cut, if it was to occur (as has been acknowledged already by the shadow minister), would be a voluntary reduction. One can imagine the size of any voluntary reduction. I would be surprised if the shadow minister for gambling would be able to support the amendments that are before us, because how he could justify that in respect to problem gambling is beyond me. He says he is thinking about it.

Beyond the amendment from the member for Fisher is an amendment by the member for Bright for an extension of that to 10 hours. But on both occasions they allow for no cut in the reduction of numbers. The house needs to be reminded that the IGA has considered all of this. It has used evidence from the Productivity Commission and research commissioned from the University of Adelaide, and it has recommended that the best way to impact problem gambling is to have a cut in numbers. It also argues, as a part of having a cut in numbers (which the member for West Torrens has very eloquently, both before and post the dinner break, explained to members) that what goes with this is a reduction in the number of venues.

It may well be that members opposite do not believe in that concept. They obviously do not like the IGA: they make that plain. The IGA, of course, is a creation of the former government. It suits their argument for the moment to play the player on this occasion, so they are critical of the IGA. Well, are they also critical of the Productivity Commission, which also argues that it is important to reduce venues and it is important to take away machine numbers and at the same time have a reduction in the number of venues? Are they also arguing against the research that has been commissioned by the IGA and done by the University of Adelaide?

Of course, these amendments have no research to back them up but simply assertions that they will have a bigger or just as significant an impact on problem gambling as the researched information provided by the IGA to the government which has been supported by both the Productivity Commission and also the University of Adelaide—that is, if we are going to have an impact on problem gambling, we should take 3 000 machines out of the system but also, as a result, have a reduction in the number of venues. That is key to having an impact on problem gambling.

If you choose to support the Such amendment and/or the Matthew amendment, what has been said is correct. The member for Mawson's exact words were: 'This would mean that hotels would be able to have a voluntary reduction.' That is just not going to occur. The member for Waite said—correctly—that these amendments scuttle the bill, turn it on its head. You cannot argue against that. So, I appeal to members not to support these amendments. Basically, they are the same: they differ in the number of hours, but the principle is exactly the same. The amendments of the member for Fisher and the member for Bright are different by two hours, but the principle is the same: that is, if hotels are prepared to keep their doors closed for either eight hours or 10 hours there will be no reduction in machines unless it is done on a voluntary basis. It will be interesting to see how the shadow minister for gambling votes on this.

It should also be drawn to the attention of the house that the member for Mitchell has foreshadowed an amendment. If members are sold on this concept of additional hours, you can actually vote for his amendment but keep the cut of 3 000

machines, which is fundamental to reducing problem gambling, because that cut also gets us fewer venues. That is supported by the Productivity Commission and research undertaken independently of the IGA. According to this research, which has not simply been thrown up in Australia but is worldwide, has found that fewer venues is fundamental to having an impact on problem gambling. You just do not equate the two by saying that, if you give these venues additional hours when they cannot trade, that will have the same impact as cutting out 3 000 machines and having fewer venues. That is simply not the case. It is not sound logic to argue in that way, and members should be in no doubt about that.

So, we have these two amendments to deal with and also the amendment foreshadowed by the member for Mitchell. I think it is important that members give consideration to what is in this bill, to what has been provided in the way of research, and in the way of evidence by the Productivity Commission and stack that up with what has been provided in these two amendments which are not backed up by any research as to the impact that they will have on problem gambling.

**Mr VENNING:** I have a question for the minister. I listened to what the minister had to say about country towns and what the research is telling him. My question therefore is: which country towns will actually lose machines?

**The ACTING CHAIRMAN (Ms Thompson):** The member for Enfield.

**Mr RAU:** Thank you, Madam Acting Chairman. In relation to this—

*Members interjecting:*

**The ACTING CHAIRMAN:** Order! The amendment stands in the name of the member for Fisher. The member for Schubert directed a question to the minister, which he may choose to answer. The member for Enfield has the call.

**Mr RAU:** The amazing thing about this debate is the incredible similarity between what we are doing here today and that fantastic movie starring Bill Murray called *Groundhog Day* where this poor man wakes up and sees the same day proceeding over and over again. The alarm clock goes off and he goes, 'On no, here we go again', and he goes through the same day. I am starting to lose track of time: day is merging into night; night is merging into day. I find I am saying things to the member for Colton in the mistaken belief that he is my wife. I have apologised to him for that—

**Mr Caica:** You ought to apologise to your wife.

**Mr RAU:** —and I apologise to my wife for revealing that here. However, the fact is that we are making very heavy weather of this. The democratic juices are surging through our collective bodies but they do not seem to be producing a great deal. I am reminded of a very important observation, I think it was on the back of a bus ticket, which said that a camel—

**An honourable member:** Is that where your research comes from: the back of a bus ticket?

**Mr RAU:** That's where most of my research comes from. It said that a camel is a racehorse designed by a committee. That seems to be what we are busily in the process of generating: a camel. The problem that I think we have to confront is this: the IGA's report and all the clauses up to clause 12 have been predicated on two very important understandings: first, that we are reducing the total number of machines; secondly, that we are reducing the total number of venues. That is what the whole 12 clauses, which have been painfully created over the last several weeks it seems, are all about. Now, we are going to turn on a point and suddenly substitute the concept of reducing the number of machines and venues with a completely new concept which is, in effect, a concept of machine hours.

My point is that there is a fundamental concept underlying the whole of this bill, which is about reducing the number of machines and venues. In effect, this amendment and the member for Bright's amendment talk about destroying those two concepts and replacing them with a different concept, which is machine hours and then reducing the machine hours. It is not clear from any of the research that the concept of a machine hour and the reduction of a machine hour will achieve the same thing as a reduction in the number of venues and machines. With a reduction in machine hours we can still have the same number of venues and machines. If a reduction in the number of machines and venues is critical, a change from the concept of machines and venues to machine hours (which is what both these amendments seek to achieve) will perhaps not achieve anything like what the rest of the legislation is seeking to achieve. I remind members that we already have 12 clauses which are focused on a completely different concept.

If one was cynical—and luckily I am not—one could take the view and say, 'What's going on here; what are these people on about?' I will leave the member for Fisher out of this, because I know he is absolutely bona fide in this. However, in relation to some of the contributions, one could say we are going to turn this piece of legislation into such a total shemozzle by amending it here and there, so that it makes no sense at all to anyone and will be totally unworkable.

I make no secret of the fact I think this legislation is troubled. Presumably, the people responsible for that will be able to say, 'Look at this; what a mess they have made of it. This is some sort of political triumph for the non-government members in the house, and therefore they have achieved something.' If you measure achievement by the extent to which you wreck something, I suppose that has some legs. However, there is no sense in playing a wrecking game with something as important as dealing with the problems we are facing here. I have made it clear that I believe the member for Fisher is genuinely trying to do something about it. The problem is that the whole bill to this point does not address the point the member for Fisher is making, and we are running two completely different solutions in the same bill.

If the member for Fisher was talking just about hours (which I understand is what the member for Mitchell's amendment does), it would be consistent with the existing framework of the legislation, which, as I have previously said, I do not agree with for reasons I will not repeat. However, it is there, and we have 12 clauses of it. The member for Mitchell's amendment seeks to deal directly with the question of opening times, but it does not do anything about the number of machines and it does not interfere with the question of venues. It leaves intact all those structures we have painfully created over the last few weeks.

It is very important that we keep ourselves focused on this. We are either going to have one bill which is at least vaguely internally consistent or, if we proceed down the path of allowing people to exempt themselves from a reduction in machines and therefore a reduction in venues, because, if there is no reduction in machines, machines will not be sold and the venues will not disappear. So, we will have a system where there will be no reduction in venues or machines but there will be fewer machine hours playable, which is a

fundamentally different concept. At least one can say that the amendment foreshadowed by the member for Mitchell addresses specifically the number of hours these establishments can open but leaves the reduction intact both as to machines and venues. He is adding something additional to the structure we already have in the first 12 clauses, whereas the proposals coming forward now (which allow publicans not to comply with the reduction regime) will mean that half the bill sets out to achieve one thing, which this clause then obviously circumvents. It raises the question of what are the preceding 12 clauses for, anyway. Let's be consistent about this and try not go out of our way to create something which is obviously a nonsense and deal with the clauses we have already generated and make something which complements them, rather than something that destroys everything they seek to achieve.

As I have said, having regard to the fact that I think the transferability is wrong, I am in a minority of 10, and the other day, 11. Things are getting better. If I can get transferability up again, I might get up to 12. In fact, the way this bill is going, if I can get it up another few times, I might even get up to 15. I am certainly looking forward to that, but that might take another few weeks. The member for Goyder has been a great supporter in this regard, and I thank him for his support. He has been one of the stalwarts on transferability, and he deserves great credit for that. He has been 100 per cent behind this all the way. Likewise, the member for West Torrens. What a marvellous effort he has put in. Of course, the member for Hartley is another magnificent supporter. Unfortunately, the member for Mawson has not been with me, and it makes me sad. I know that, deep down inside that man, there is a man who says, 'I don't like transferability.' I think it is the fact that he has so many smiling faces beaming upon him that he feels drawn to a different point of view, and I guess that is something he will have to work his way through. Anyway, back to the main point. Let's keep the bill consistent.

I would like to pay tribute to the member for Finniss, because he has also been excellent in relation to this transferability thing. I can say that I think even the Hon. Robert Lawson in another place has magnificent views on this, and that is something he will carry to the end of his days as a badge of honour.

Let us be positive about this. Let us get into the spirit of legislating. Come on, we are all positive legislators here. Let us get behind the minister. Let us get behind this superb piece of legislation. Let us put something down; let us lay those tracks; let us go right down the middle; let us make something we are going to be proud of.

**Mr BRINDAL:** I am awed by the contributions of the minister and the member for Enfield. I acknowledge that the member for Enfield is a solicitor (or a barrister) and I would suspect a very good one, because he can obviously sell fridges to eskimos. If you actually listened to his contribution it was logical; it made common sense; and the house has every right to want to be swayed by his arguments.

It is a pity both the minister and the member for Enfield are flawed in their logic. They are flawed in their logic for this reason. The minister and the member for Enfield now passionately argue that behind this bill is the desire to cut gaming machines and the desire to cut venues, that that is what is behind this bill. And to an extent that is true. I would say to the member for Enfield and the minister: is it not more true that behind this bill is the desire to help the problem gamblers in this state?

The whole reason that this bill was put forward, with the work commissioned by the IGA and everything, was to help problem gamblers in this state. It is the duty of this house not to enact whatever bill comes to us because of the Premier's whim or the IGA's recommendations or, indeed, the research work of the University of Adelaide. If that is what the duty of this house is, we actually do not need a house of parliament. If we are just going to be ciphers for whoever wants to do research and for whatever ministers come in here and tell us is a good idea, why have 47 ordinary South Australians elected to consider the best interests of South Australians?

That is why the member for Fisher quite rightly brings his amendment here, because he thinks that his amendment better addresses the problem of problem gamblers than the issues laid down by the Premier and by those who introduced this bill. While the logic of the member for Enfield was particularly clever, it was also particularly flawed. I am not an alcoholic and I do not suffer from short-term amnesia, and I remember this house not 24 hours ago actually voted to exempt clubs. If it is a fact—

*An honourable member interjecting:*

**Mr BRINDAL:** Yes, I know the member did not, but the member is talking about the spirit of this bill and the way this bill will proceed to the third reading. So the member has every right not to remind the house of his idealistic bill, all of which he has lost, but the actual bill which this house is proceeding to pass. This house is proceeding on the ground that clubs are now going to be exempt.

Where then is the logic in saying, and the minister said this, absolutely critical to this bill is the reduction of gaming machines, when more than half of this house said, 'Yes, a reduction of gaming machines but only in the pubs, not in the clubs.' So if the member for Enfield wants to argue flawed logic, then this house already stands guilty of flawed logic in the way it is passing this bill.

But since this house is so minded to say there is a special case for clubs and we cannot lower the number in clubs; since some of my country colleagues are so minded to say, and they have in their contributions, 'I do not necessarily want to lose every poker machine from the pubs, I want to do something to protect my clubs'; the argument that says it is about closing venues—all of which we have learnt are in the member for Schubert's electorate and the member for Goyder's electorate. I want somebody to stand up and say which pubs will close down, which clubs will give in all their poker machine licences.

**Mr Rau:** They won't be in my electorate.

**Mr BRINDAL:** No, they certainly will not be in your electorate, and it is wonderful. I would suspect a Labor government that is so assiduously helping country Liberal members to get rid of problem gambling in their areas, where I presume it does not exist in big numbers, only to reinforce problem gambling in the area of the member for Enfield—I would suspect that such altruism has a root either in arrant political stupidity or in complete incompetence in drafting this legislation.

The committee is minded to say this bill is not just about a reduction in poker machines. We have already made that distinction. So why then does the minister who last night was silent on the issue of whether clubs should be exempted—

**The Hon. M.J. Wright:** I was not.

**Mr BRINDAL:** Were you not? I thought your Premier voted with those who wanted to exempt clubs.

*The Hon. M.J. Wright interjecting:*

**Mr BRINDAL:** I do apologise to the minister for having the courage—

**The ACTING CHAIRMAN:** Order! The member for Unley will address the chair.

**Mr BRINDAL:** Madam Chair, through you, I will apologise to the minister for having the courage to defy his Premier, to stand on his conscience and to have not been affected by the wonderful lobbying that the Premier gave 47 members of this house, to have not been swayed by the argument.

**The Hon. W.A. Matthew:** It was in the paper before we got the letter.

**Mr BRINDAL:** Nevertheless the Premier was convinced by the argument. So the argument put by the minister now and by the member for Enfield is flawed. Quite simply, this house has already decided in previous clauses that this is not just about the reduction of machines.

Therefore, what the member for Fisher is proposing is not inconsistent with the principles of the bill. I remind members that the principles of the bill, as stated time and again by this government to the public of South Australia, are a reduction in the number of problem gamblers. You can do that in a number of ways: you can reduce the number of venues, true; you can reduce the number of machines, equally true; you can reduce the access to machines, equally true.

The member for Fisher is proposing, 'Well, maybe we will not reduce the number of venues, maybe we will not reduce the number of machines in every case, but we can choose to reduce people's access to the machines.' I defy anyone to get up and say, 'If you reduce a problem gambler's access to a machine, you are not reducing the incidences of problem gambling.' If by taking a venue away you are reducing the chance of problem gambling, if by taking a machine away you reduce the incidence of problem gambling, surely, by locking a machine up and not having it operating you are, by the same logic, reducing the incidence of problem gambling.

Does it alter this bill as it comes to us? Yes. Does it alter the objects of the bill? No. It improves them because it gives publicans and people in this state, people who have legitimately acquired machines for lawful purposes, the right to choose between a reduction in machines and trading machines or simply not operating those machines for the same regime. It is totally consistent with the objects of the bill. I would put that it is more consistent with the will of this house so far expressed by the clauses than the member for Enfield contends, and it is logical.

I, for one, am not going to be intimidated by ministers or members who tell me that the IGA considers something a good idea therefore this house must tug its forelock and kowtow to Australia's noted synodsman, who is more noted for writing treatises on the church, and telling them which bishops should no longer hold episcopacy, than he is necessarily an expert in problem gambling, nor the universities for the same reason. This committee has a job to do, last night, tonight, tomorrow night, and probably all into next week. This committee has a job to do, and it is for each of us—wait until the member for Hammond contributes, wait until you see what he says about parliament's right to its own determination. I have not conferred with him but I know what he has said for the 15 years that I have been here about parliament's right to make up its mind, and not be bullied by ministers or swayed by you beaut experts who come out of the woodwork, tell us what to do and, when it all goes wrong, say, 'It was not our fault, we were only your advisers.'

**Mrs Geraghty:** What happened when you were in government?

**Mr BRINDAL:** When we were in government we were not considering this bill, rightly or wrongly. Through you Madam Chair, when we were in government this bill was not before this house.

**Mr Caica:** You did nothing about gambling problems.

**Mr BRINDAL:** We did nothing about gambling problems? Let us go back to the history. Who introduced problem gambling in this form into South Australia? If you want to crack on to history, which party introduced this whole regime into South Australia? It was the Labor Party.

**The Hon. K.O. Foley:** Come on Mark, be sensible; just wind up; come on.

**Mr BRINDAL:** No. The fact is, what is being sold to us by the government is a crock. I will not say a crock of what, but members know; it is a complete crock. The fact is that the logic of the member for Fisher's argument is irrefutable and consistent with the bill, and I would urge the committee to disregard the very clever rhetoric, both of the member for Enfield and the minister—clever debaters all but lacking in logic, lacking in fact, lacking in substance, and the member for Fisher should be supported.

**The Hon. K.O. FOLEY:** Madam Chair, I move:

That the motion be put.

The committee divided on the motion:

*While the division was being held:*

**The Hon. I.P. LEWIS:** On a point of order, Madam Chairman, you are mistaken in your ruling. I was sitting next to the Deputy Premier and I heard him call 'divide'. He cannot be appointed teller for the ayes if he called 'divide' when you called 'ayes', and he must vote on this side of the chamber.

**The ACTING CHAIRMAN:** Member for Hammond, I considered that the Deputy Premier was confused in calling 'divide'. I did not recognise his call for a division. I waited until there was a call on my left, which the Clerk advises me was from the member for Heysen.

**Mr BRINDAL:** Most respectfully, Madam Chairman, it is not for you to impugn any motive to any member. It is not for you to consider what the Deputy Premier's motives might have been.

*Members interjecting:*

**Mr BRINDAL:** It is absolutely outrageous.

**The Hon. P.F. Conlon:** You have to get a life, mate.

**Mr BRINDAL:** You have no respect for this place.

**The ACTING CHAIRMAN:** The member for Unley has raised the point of order, suggesting that the chair had no right to interpret what the Deputy Premier said. That was not the case. The chair simply did not recognise the call there.

*Members interjecting:*

**The ACTING CHAIRMAN:** I did. I said that I heard a call there, but I did not recognise it. I did not call 'division required' in response to a call from there. I called that when a call was made from members on my left.

AYES (24)

| | |
|---|---|
| Bedford, F. E. | Breuer, L. R. |
| Caica, P. | Ciccarello, V. |
| Conlon, P. F. | Foley, K. O. |
| Geraghty, R. K. | Gunn, G. M. |
| Hanna, K. | Hill, J. D. |
| Key, S. W. | Koutsantonis, T. |
| Lomax-Smith, J. D. | Maywald, K. A. |
| McEwen, R. J. | O'Brien, M. F. |

AYES (cont.)

| | |
|---|---|
| Rankine, J. M. | Rann, M. D. |
| Rau, J. R. | Snelling, J. J. |
| Stevens, L. | Weatherill, J. W. |
| White, P. L. | Wright, M. J. (teller) |

NOES (20)

| | |
|---|---|
| Brindal, M. K. | Brokenshire, R. L. |
| Brown, D. C. | Buckby, M. R. |
| Evans, I. F. | Goldsworthy, R. M. |
| Hall, J. L. | Hamilton-Smith, M. L. J. |
| Kerin, R. G. | Kotz, D. C. |
| Lewis, I. P. | Matthew, W. A. |
| McFetridge, D. | Meier, E. J. |
| Penfold, E. M. | Redmond, I. M. (teller) |
| Scalzi, G. | Such, R. B. |
| Venning, I. H. | Williams, M. R. |

PAIR

| | |
|---|---|
| Atkinson, M. J. | Chapman, V. A. |

Majority of 4 for the ayes.

Motion thus carried.

The committee divided on the Hon. W.A. Matthew's amendment to the Hon. R.B. Such's amendment:

AYES (13)

| | |
|---|---|
| Brindal, M. K. | Brokenshire, R. L. |
| Brown, D. C. | Hamilton-Smith, M. L. J. |
| Hanna, K. | Lewis, I. P. |
| Matthew, W. A. (teller) | Meier, E. J. |
| Penfold, E. M. | Scalzi, G. |
| Such, R. B. | Venning, I. H. |
| Williams, M. R. | |

NOES (31)

| | |
|---|---|
| Bedford, F. E. | Breuer, L. R. |
| Buckby, M. R. | Caica, P. |
| Ciccarello, V. | Conlon, P. F. |
| Evans, I. F. | Foley, K. O. |
| Geraghty, R. K. | Goldsworthy, R. M. |
| Gunn, G. M. | Hall, J. L. |
| Hill, J. D. | Kerin, R. G. |
| Key, S. W. | Kotz, D. C. |
| Koutsantonis, T. | Lomax-Smith, J. D. |
| Maywald, K. A. | McEwen, R. J. |
| McFetridge, D. | O'Brien, M. F. |
| Rankine, J. M. | Rann, M. D. |
| Rau, J. R. | Redmond, I. M. |
| Snelling, J. J. | Stevens, L. |
| Weatherill, J. W. | White, P. L. |
| Wright, M. J. (teller) | |

Majority of 18 for the noes.

The Hon. W.A. Matthew's amendment to the Hon. R.B. Such's amendment thus negatived.

**The ACTING CHAIRMAN:** Order! Can members take their seats quickly, please. We have another vote immediately. The question now to be put to the committee—

**Mr BRINDAL:** I rise on a point of order. The matter that was just put required a vote. I believe, Madam Acting Chairman, on the advice of Mr Speaker Lewis, it is not competent to put another matter immediately until the expiration of 15 minutes of debate. As we have just put one matter, 15 minutes must elapse before the next matter is put; and these are two separate matters.

**The ACTING CHAIRMAN:** I do not uphold the point of order. The question is that the amendment—

**The Hon. I.P. LEWIS:** Madam Chair, I draw your attention to standing order 22. The Chairman of Committees (or in the absence of the Chairman, the Speaker) may request any member present to take the chair temporarily as Acting Chairman of Committees. The Acting Chairman immediately vacates the chair on the return of the Chairman of Committees. Madam Chair, you are out of order!

**The ACTING CHAIRMAN:** Member for Hammond, I was aware of that standing order and had taken the chair at the request of the Chair of Committees as this is a matter which stands in his name. I am very happy to vacate the chair if that is requested. Member for Hammond, I also draw your attention to standing order 20 which enables another member to take the chair to enable the Chairman of Committees to participate in the debate. I consider it reasonable to view the continuation of the debate to include the vote, and therefore the Chairman of Committees is entitled to be in the chamber while another member occupies the chair.

**The Hon. I.P. LEWIS:** Notwithstanding your opinion, it is in conflict with standing orders, Madam Chair, and I therefore move dissent from your ruling, and invite you to leave the chair, especially in view of the fact that you, effectively, ruled that no further debate on the merits of the amendments to the particular clause will be possible just because of one motion to put the proposition of the former amendment—which was lost—has, in effect, occurred. That does not mean that the chamber cannot now debate the other amendments for this particular proposition. It is improper, especially on a conscience matter, to gag debate.

*Members interjecting:*

**The ACTING CHAIRMAN:** Order! The decision to put the vote was that of the house, not of the chair. I am concerned that, by requiring the Chair of Committees to return to the chair, this deprives him of his vote on his own motion. So I will continue to occupy the chair until he moves otherwise. So I am going to put the question, that the—

**Mr HANNA:** Madam Acting Chair, as a point of order, the member for Hammond moved—

**The Hon. I.P. LEWIS:** I have already moved dissent from your ruling, and I was gracious enough to allow you to explain that.

**Mr HANNA:** Member for Hammond, you weren't given the call, you know.

**The ACTING CHAIRMAN:** Order!

**The Hon. I.P. LEWIS:** Notwithstanding that, I have moved—

*Members interjecting:*

**The ACTING CHAIRMAN:** Order! Member for Hammond, I apologise; I did not hear you use the words that you dissented from the ruling; you did not make this clear. The Clerk didn't, either. So, member for Hammond, I recognise your motion.

I report to the house there has been a motion to dissent from the ruling of the Acting Chair because of conflict with standing order 22, and this does not apply to the second amendment.

**The SPEAKER:** The member for Hammond, seconded by the member for Newland, has moved dissent from the Acting Chairman of Committees because she is in conflict with standing order 22, and the ruling does not apply to the second amendment. Does any honourable member wish to contribute?

**The Hon. D.C. KOTZ:** I would like to make a few comments. Obviously, I seconded the motion put by yourself

because, in effect, standing order 22 is quite clear in terms of a temporary chairman. I will read it for the house once again. It states

> The Chairman of Committees (or in the absence of the Chairman, the Speaker), may request any member present to take the chair temporarily as Acting Chairman of Committees. The Acting Chairman immediately vacates the chair on the return of the Chairman of Committees.

There is absolutely no doubt about the interpretation of this particular standing order and it was, in fact, misinterpreted by the Acting Chairman of Committees during the period when a ruling was given. Therefore, Mr Speaker, I totally support the motion put by yourself in this house on the understanding that the standing order is so clear it should not be interpreted in any manner other than in the words stated in the standing order.

**The Hon. P.F. CONLON:** I rise to support the ruling of the Acting Chairman. With the greatest of respect to the member for Newland, the abundant clarity that she sees does not exist. I refer to standing order 20, which is plainly created to allow the member for Fisher, as Chairman of Committees, to participate in the debate, which he has been doing. That debate is about to come to its conclusion—might I say not before time. No-one in South Australia, except some of the members of the opposition—

**Mr Hamilton-Smith:** Address the chair!

**The Hon. P.F. CONLON:** I am addressing the chair. The standing order requires me to do that: it does not require me to look at the chair. No-one in South Australia, except for the members of the opposition, thinks it is not time for this to come to a conclusion, it seems to me. But, there is not the clarity for which the member for Newland opines. Standing order 20 makes it absolutely clear that the member for Fisher can participate in the debate, and there are many precedents for it. I would have thought that participating in debate includes his ability to exercise his vote. That seems clear to me. Given the arguments put forward, I would much prefer, on reason and on precedent, the position of the Acting Chair of Committees.

**The SPEAKER:** The chair's clear understanding is (and that of all honourable members should be) that, wherever any provision is stated and at a subsequent point in the dissertation clarifying that some additional information is provided, that additional information must qualify the earlier statement in any document. Standing orders is no exception. Let me make it plain what is stated in standing order 20 has to be qualified by what is stated in standing order 22, otherwise there would be no necessity to have the sequence of the presentation of the ideas in the manner in which they are recorded in the standing orders—in the first instance, in standing order 20, that someone else may occupy the chair enables the Chairman of Committees to vacate the chair for any reason whatsoever. It, of course, cannot be occupied by the Speaker and an acting chairman of committees may be appointed. If the Chairman of Committees is in the chair, that person has to be someone other than the Chairman of Committees who seeks, for whatever reason, to leave the chair and the chamber. The house has always been tolerant of the need for the Chairman of Committees in this parliament to express a point of view but, during the course of divisions, I cannot recall in 25 years where the Chairman of Committees has been in the chamber during the division and not been in the chair when that division has occurred in the committee stage.

**Mr HANNA:** Mr Speaker, I have a point of order.

**The SPEAKER:** The honourable member for Mitchell will resume his seat.

**Mr HANNA:** Mr Speaker, are you making—

**The SPEAKER:** The honourable member for Mitchell will resume his seat.

**Mr HANNA:** Mr Speaker, are you making a ruling, or are you about to put the question?

**The SPEAKER:** The honourable member for Mitchell will resume his seat.

**Mr HANNA:** I do not believe you have the right to participate in the debate, Mr Speaker.

**The SPEAKER:** Let me make it plain for the honourable member for Mitchell. The chair has not finished the remarks which the chair is not only entitled to make but must make to clarify for the purposes of the house the predicament which confronts it. The motion moving the guillotine can be variously interpreted to mean that the question (as amended) put by the member for Bright and the amendment moved by the member for Fisher can be put. The chair does not hold that view, but clearly the member for Mitchell's amendment cannot be taken to be covered by that proposition. There is yet to be a debate of the amendment of the member for Mitchell to this proposition. The house's decision to guillotine the debate does not apply to the member for Mitchell's proposition.

In view of that information, it is a matter for all honourable members now to determine whether or not they believe that the motion for the guillotine applied to both the amendment moved by the member for Bright and the amendment to it moved by the member for Fisher. It clearly does not apply to the amendment moved by the member for Mitchell. That is yet to be determined and debated. At this point, the house is determining whether to dissent from the ruling of the Acting Chairman that the motion be put to include both the amendment from the member for Bright and the amendment from the member for Fisher.

The house divided on the motion:

AYES (19)

| | |
|---|---|
| Brindal, M. K. | Brokenshire, R. L. |
| Brown, D. C. | Buckby, M. R. |
| Evans, I. F. | Goldsworthy, R. M. |
| Gunn, G. M. | Hall, J. L. |
| Hamilton-Smith, M. L. J. | Kerin, R. G. |
| Kotz, D. C. (teller) | Matthew, W. A. |
| McFetridge, D. | Meier, E. J. |
| Penfold, E. M. | Redmond, I. M. |
| Scalzi, G. | Venning, I. H. |
| Williams, M. R. | |

NOES (24)

| | |
|---|---|
| Bedford, F. E. | Breuer, L. R. |
| Caica, P. | Ciccarello, V. |
| Conlon, P. F. | Foley, K. O. |
| Geraghty, R. K. | Hanna, K. |
| Hill, J. D. | Key, S. W. |
| Koutsantonis, T. | Lomax-Smith, J. D. |
| Maywald, K. A. | McEwen, R. J. |
| O'Brien, M. F. | Rann, M. D. |
| Rau, J. R. | Snelling, J. J. |
| Stevens, L. | Such, R. B. |
| Thompson, M. G. | Weatherill, J. W. |
| White, P. L. | Wright, M. J. (teller) |

PAIR

| | |
|---|---|
| Chapman, V. A. | Atkinson, M. J. |

Majority of 5 for the noes.

Motion thus negatived.

In committee.

**The ACTING CHAIRMAN (Ms Thompson):** The question now before the committee is amendment No. 6(21) moved by the member for Fisher.

The committee divided on the Hon. R.B. Such's amendment:

AYES (19)

| | |
|---|---|
| Brindal, M. K. | Brokenshire, R. L. |
| Brown, D. C. | Buckby, M. R. |
| Evans, I. F. | Hall, J. L. |
| Hamilton-Smith, M. L. J. | Kerin, R. G. |
| Kotz, D. C. | Lewis, I. P. |
| Matthew, W. A. | McFetridge, D. |
| Meier, E. J. | Penfold, E. M. |
| Redmond, I. M. | Scalzi, G. |
| Such, R. B.(teller) | Venning, I. H. |
| Williams, M. R. | |

NOES (24)

| | |
|---|---|
| Bedford, F. E. | Breuer, L. R. |
| Caica, P. | Ciccarello, V. |
| Conlon, P. F. | Foley, K. O. |
| Geraghty, R. K. | Goldsworthy, R. M. |
| Gunn, G. M. | Hanna, K. |
| Hill, J. D. | Key, S. W. |
| Koutsantonis, T. | Lomax-Smith, J. D. |
| Maywald, K. A. | McEwen, R. J. |
| O'Brien, M. F. | Rankine, J. M. |
| Rau, J. R. | Snelling, J. J. |
| Stevens, L. | Weatherill, J. W. |
| White, P. L. | Wright, M. J. (teller) |

Majority of 5 for the noes.

Amendment thus negatived.

**The CHAIRMAN:** Order! The committee is still dealing with clause 12, the favourite, and the amendment standing in the name of the Minister for Gambling on sheet 6(15), amendment No. 3. This one, like many of them, is complicated because we have to preserve the member for Colton's amendment. In relation to clause 12, the minister is seeking to delete all of the lines from 27 down to 44, and the member for Colton wishes to delete 11 words on line 28, which say, 'or a gaming machine licence lapses without renewal, the former licensee'. So the minister moves his first.

**The Hon. M.J. WRIGHT:** I move:

Page 8, lines 27 to 43—
New section 27C(3,) (4) and (5)—delete

This is the first of the technical amendments that I will be moving. There is a number of related technical amendments to ensure that licence and entitlements can be kept together as venues comply with licensing requirements in changing commercial circumstances. These amendments correct technical flaws and address parts of the provision that were in conflict with other technical amendments. This one simply provides for the entitlements to go with the licence.

It would be my understanding that if my amendment is successful, then the member for Colton would not move his. Anyway, he can speak for himself, if need be. I do not need to speak for a long time about this. It is a very simple amendment. A number of related technical amendments will come up at different stages through the bill which, if this is successful, I will just make the point that the amendment is the same as this one in that it provides for the entitlements to go with the licence.

**Mr BRINDAL:** I do not suppose we will be debating this for long. I wanted to ask the minister a brief question: we have sat here for several days now and heard how fine this bill was and just how correct the IGA got it and why we should all vote for this bill when it comes before the house. Since the minister's geniuses who drafted this bill were so good, why does he have technical matters to bring in for correction now?

**The Hon. M.J. WRIGHT:** I do not mind in the least saying that this is a technical amendment, I have already acknowledged that, and I will take full responsibility for it. To the best of my memory at either the second reading or at some stage during my earlier presentations—in fact, I am pretty sure it was in the summing up of the second reading; maybe the member for Unley missed it, I am not sure—I acknowledged that I would be coming forward with some technical amendments to address some problems that had arisen. I am not too sure what point the member for Unley is trying to make.

**Mrs REDMOND:** I am a little confused. I gather that we are dealing with amendment No. 3 of the amendment sheet marked 6(15). It seems to me that amendment No. 3 relies, in its essence, on amendment No. 6, which is the one that inserts the $50 000 provision. Is it not the case, minister, that the deletion of those clauses is dependent upon the agreement of the committee to amendment concerning the introduction of the $50 000 fee?

**The Hon. M.J. WRIGHT:** No; that is not correct.

**The CHAIRMAN:** We need to deal with the first few words in relation to the minister's amendment, on lines 27 and 28:

If the holder of a gaming machine licence surrenders a gaming machine licence. . .

We will put that and see what the committee decides in relation to that, and then we can deal, depending on the outcome of that, with the member for Colton's amendment.

**Mrs REDMOND:** Can I ask another question? I did get an answer to my original question but I am still confused as to what will be the effect of amendment No. 3 if, indeed, the minister's amendment No. 6, in this 6(15) document, does not pass? I am still confused as to why they are not dependent on each other.

**The Hon. M.J. WRIGHT:** This is about introducing entitlements into the system. It is not about the trading of entitlements.

Amendment to line 27 and part of line 28 carried.

Remainder of amendment carried.

**The CHAIRMAN:** Did the committee understand that the test, by putting 27 and part of 28, was to see if the minister's amendment got up, in which case the member for Colton's amendment fails?

**Mr CAICA:** It is redundant.

**The CHAIRMAN:** Do you agree with that?

**Mr CAICA:** Yes, sir.

**The CHAIRMAN:** We are on 6(17), from the member for Schubert, relating to the issue of new gaming machine entitlements in special cases.

**The Hon. I.P. LEWIS:** Mr Chairman, I draw your attention to the state of the committee.

*A quorum having been formed.*

**Mr VENNING:** I move:

Page 8, after line 42—
Insert:
27CA—Issue of new gaming machine entitlements in special cases

(1) The Commissioner may issue new gaming machine entitlements (not exceeding 5) to an applicant for a gaming machine licence if satisfied that it is necessary to do so in order to preserve the social life of a small country town.
(2) A small country town is a town with not more than 2 000 residents.
(3) A gaming machine entitlement issued under this section—
(a) is to be issued on conditions limiting its transferability; and
(b) cannot be transferred contrary to any such condition.

I am concerned with this legislation that we will lose poker machines from country communities. This goes further and addresses the problems of small communities—and I have several—where the hotel has never had a poker machine licence. I will cite a couple: Palmer in my electorate near Mannum and Georgetown in the Mid North. Palmer has never had poker machines. The current hotelier has tried to get them but is unable to do so, purely because the previous owner decided that he would not put them in. The residents of Palmer now go to the Mannum Club at Mannum to play the pokies and the poor old Palmer Hotel battles for clientele. If the hotel in Palmer is not viable and closes, so does Palmer—that is it, they are off the map. It will happen in many communities.

Earlier tonight we heard the question asked: where will these machines come from when transferability takes over? It concerns me greatly because we talk strongly about decentralisation and what we can do to preserve our small country communities. This bill will do the opposite. It will close country hotels. Some of the owners will probably sell their machines, pick up the money, sell the franchise and walk. What happens then? Our small communities—and Palmer is but one—will suffer.

This amendment is clear and open and I hope the government will support it. It involves only the granting of a licence with a minimum number of five machines. They cannot transfer it, so there is no value to the owner other than using the machines. I hope the minister will have compassion and enable us to do this, because the hotelier in Palmer has been talking to me for a long time and I have been doing all I can to help them. I have raised it in every debate on poker machines in this place over the past four or five years, but we have done nothing about it. The Mannum Club offers a very good service and I have no problem with it, but if we do not support Palmer and all the country towns like it on an issue such as this we will close their hotels.

If you want to see what happens when a hotel closes, go to Yacka. The member for Giles would know where Yacka is. It is a wonderful little town, although it is no longer in my electorate. The Broughton Arms Hotel there is now closed and when that hotel closed so did the shop, the school and everything else. That was it! Yacka is a ghost town. People live there and it is a lovely town with lovely houses, but there are no services at all—zero. Even though some people in the community are wowsers, in little communities like that the hotel is the centre point for the community. If anything we do this evening with this bill makes these hotels non-viable and leads to their demise, we are doing a very bad thing. I urge the government to consider the amendment and I would appreciate the support of all colleagues.

**Mr MEIER:** In one sense it is hard for me to support it, but in another sense I feel that I must. It is almost a Democrat attitude: on the one hand, but on the other hand. In my electorate, particularly on Yorke Peninsula, the situation is exactly the same, with several small towns having a hotel and not much else and not having poker machines. The proprietors of those hotels for many years have said, 'We desperately need poker machines to survive, otherwise the hotel will close.' The member for Schubert has put the argument very well. I have to weigh up in my mind whether it will cause potential problem gamblers. One will find that, by and large, the answer will be no because there are only five machines, and anyone problem gamblers would be identified fairly quickly: the hotel keeper would get to know them very quickly. It is different from being in the city, where hotels have 40 machines or a similar number.

I have a lot of sympathy for what the member for Schubert is saying, as it is one of the anomalies. We must also acknowledge that, if the hotels had not been hit by the ban on poker machines some years ago, they would have applied for them. In some cases they were beginning to go down that track but had not made the actual application when the immediate ban came in and they were caught out. I therefore have to consider the welfare of those communities.

I remember a community on the West Coast where my wife came from. We visited her parents and several of the family. At that hotel they had five or six machines, and they said it that it had made them viable again. Without poker machines the hotel possibly would have closed, so I know of specific examples. I hope members will give the amendment moved by the member for Schubert due consideration and see fit to agree to it.

**Ms BREUER:** I am appalled at the member for Schubert's amendment. I cannot believe I am hearing this. He is saying that these small communities are dying because they do not have poker machines in their hotel. God help this country if that is the situation! I am amazed to hear him say this. There are many little communities in the state that are dying (those of us from the country know that), but I do not think it is because there are no pokies in their hotel. There is a fundamental problem if you are thinking that.

I could not support this amendment. This bill is about getting rid of poker machines and doing something about the problems it is causing in our society. We have sat here for an hour tonight debating motions. Out in those communities there are children sitting in cars while mum and dad are in pubs playing pokies. The kids are hungry and cold, mum and dad are in there spending the money, and we are here trying to say that we will put poker machines back in these hotels. There is a lot more we can do for those communities than put poker machines in their hotels.

**Mr WILLIAMS:** I also represent a rural electorate that contains a number of small towns. I do not know that any of the hotels in my electorate—and there are quite a number of them—would have 40 machines. I imagine that most of them would have between 12 and 25 machines. As I have said constantly in the debate, I do not believe that problem gambling is an issue in any of those establishments. The hotels are an integral part of the social fabric of those communities. I keep mentioning Frances, a small town virtually on the Victorian border (about a half an hour drive the other side of Naracoorte) which has a dozen or so houses. It is a very small town, and a couple of stores and a hotel are basically the only services.

I think that the hotel has 12 machines. I admit that I am not someone who plays poker machines very often. In fact, I do not think that I have put any money into a poker machine for a number of years. To be quite honest, I am not someone who spends a huge amount of time in hotels, but I was

surprised to learn from the hoteliers in my electorate that in excess of 50 per cent of their gross revenue is derived from poker machines. That tells me that poker machines underpin the viability of those hotels. Despite what the member for Giles just said, I do not think it is drawing a long bow to say—particularly in those smaller communities—that the hotel underpins the viability of the community.

Very few institutions remain in small country towns. In many towns the schools have closed; a lot of them do not even have a store. The banks have closed down. Certainly, if the hotel closes, as the member for Schubert rightly says, that really is the death knell for the town. I have been lobbied over the years since this parliament imposed the freeze on more poker machines, and I have opposed that measure every time it has come up in this place. I opposed it in the first instance and I opposed it subsequently when the freeze was to be extended.

I opposed it for the very reason that the member for Schubert now puts before the committee. I mention the hotel at Palmer, the example used by the member for Schubert, where there was a change of ownership. The previous owner did not want poker machines in the hotel. When he had the opportunity he was probably considering moving on from that business. He did not go through the hassle of getting the licences and installing the machines, and subsequently he sold the premises. The pity is that the incoming licensee missed the opportunity because this parliament—and, as I said, I never agreed with it—instituted a freeze.

A number of clubs in my electorate have had the same experience. They have lamented the fact that, at the time they were considering putting in poker machines or, indeed, increasing the number of poker machines to maintain the viability of their club, they were prevented from doing so because of the freeze. My experience is that, over the last few years, there has been a considerable revival in rural South Australia, certainly in my electorate and, I think, in the electorate of the member for Schubert.

These opportunities to grow rural communities and regional development do not come along very often. Probably they come along once in a lifetime, once in a generation; and, at present, rural and regional South Australia has plenty of opportunities to grow their economy. We should also be allowing those communities to grow their social infrastructure, and a hotel (and poker machines in a hotel to make it viable) is a part of that vital social infrastructure in a small community. I know that this matter will affect very few communities. Probably only a handful of communities would be affected by the amendment as proposed by the member for Schubert.

They are probably only in two or three electorates across the state. It is a matter that really does not impact on the vast majority of members, but I plead with those members whose electorates will not feel the direct impact of this amendment to consider those small communities and those members representing those communities when they deliberate on this measure. I congratulate the member for Schubert for bringing this measure to the committee. It is just one of those little things which would always get overlooked because people are concentrating on the big picture. I believe it is vitally important to those small communities for their ongoing viability, and I am more than happy to support the member for Schubert's amendment.

**The Hon. M.J. WRIGHT:** I oppose the amendment. I will not speak for a long time this evening. The member for Schubert knows that I regard him very highly, but on this occasion I cannot support the amendment, and for a couple of reasons. This amendment would allow affected country venues to acquire machines without cost, which provides a free kick to those venues. Of course, it also runs counter to what has been recommended by the IGA in regard to how we approach problem gambling, getting fewer gaming venues and machine reductions. The establishment of new venues involves granting machine entitlements.

The member for MacKillop spoke about this as a little thing. The honourable member may regard these numbers as little; but, certainly, I would not agree that it is two or three electorates about which he was talking. Advice to me is that approximately 130 towns have a population of between 200 and 2 000 and that, of those towns, 30 do not presently have gaming machines. To apply this amendment to those towns with a population of between 200 and 2 000—and we can identify 30 towns—would mean 150 gaming machines. Of course, one would need to get additional information because many more towns would have a population of fewer than 200.

This bill is about taking the machines out of the system, having fewer venues and having an impact on problem gambling. The amendment put forward by the member for Schubert puts machines back into the system, and it gives machines free in those situations. I cannot support this amendment, and I would advise people to think very carefully about this.

**Mr GOLDSWORTHY:** I fully understand what the member for Schubert it is trying to achieve in moving this amendment. I have heard him speak about this matter previously. He has a small community, a small town, to the east of the Mount Lofty Ranges whose hotel, arguably, suffers because it does not have poker machines. Unfortunately, I cannot support my colleague in this amendment, because I can cite a number of examples in my electorate where there are hotels in small towns in the hills which are struggling financially. They would have, I guess, five or six machines which do nothing for the profitability of those hotels. The legislation allows them to sell their machines, clear their debt and trade in a profitable situation. I can well see the situation arise where these small hotels view what occurs in a bigger town, say, 20 or 30 kilometres away, and they think, 'We want a piece of that action,' because in those bigger towns they have bigger venues and, obviously, a larger population, more machines, and economies of scale are achieved in terms of the gaming venues.

However, I think the result could be the reverse, and the reverse is the experience I stated, that is, what it is being experienced in the number of smaller towns in my electorate. A hotel will have to go and borrow the money to buy those machines. I understand that machines these days cost about $20 000 if you go to the poker machine manufacturer and say, 'I will have one of those.' If they buy five machines, that is $100, 000, and then they have to fit out their premises which will probably be another $200 000. If they are struggling financially now, they obviously do not have a lazy $200 000 or $300 000 lying around, so they will have to go to the bank and borrow it.

I argue that they do not have the demand in those communities to actually generate enough income through those machines to service their debt. As I told the house before, I used to be a bank manager in a previous career, and I understand a little bit about funding and approving loans and looking at the profitability of businesses to repay loans over a reasonable period of time. I understand what the member is trying to achieve, and I respect him wholeheartedly in his

efforts, but I honestly do not think that economics has any real significance in this in terms of making the proposal pay.

**Mr VENNING:** I want to thank members for their contributions, and I also want to make a comment about them. The member for MacKillop is right, and I thank him for his contribution and support. I do not believe there will be a flood, even though the minister highlighted up to 30 hotels that would be eligible. Even though I am disappointed that the member for Kavel did not support me, he did actually give a very good account of why there will not be a flood: the financial cost of setting these up. I was very disappointed in the member for Giles's contribution, more so than I want to let on, because the member for Giles has more small towns than me. I could not be believe what she said. She said that pokies will not save a town. That might be so, but when the town alongside has them you must give these people the opportunity to compete and try.

Sir, as you would know, in any small town these people in the hotels are not there to get rich; they are usually there to serve that town, and in some areas they are paid wages external to the hotel by the community just to stay in there. I can think of several like that—little community pubs that are there not necessarily to make money. If you go past one like the Marrabel late at night, and see one or two in the bar, you would wonder how they ever make a living, but they do. Without these people there would not be a town. It is all right for those people who have cars and can travel, but what about the people who have been there all their lives who depend on vital services. I was very disappointed with the comments of the member for Giles, because she has lots of little towns, and they will not be happy with what she said here tonight. I know that this is not going to be successful, and I am disappointed, but we are here fighting for these people who want to be recognised that they are in these hotels doing a service to those communities, and I will do all that I can to help them. I do not believe in giving them any freebies; they get up to five machines.

*Mr Goldsworthy interjecting:*

**Mr VENNING:** They apply for them and they have to buy them, as the member for Kavel just said. If they then want to get rid of them or sell the hotel, they have to give them back, and they will also lose a bigger share of the purchase price of the machine anyway. It is not a thing to go into lightly. Financially, it would be difficult for them, but just consider again the hotel operator in Palmer on a Friday or Saturday night when everybody is out on the town, his hotel is the damn near empty, and he sees all the locals driving down the road to the Mannum club. That is what happens: I have seen it myself. The Mannum club improves its facilities and the poor old Palmer Hotel battles on with dirty water because it does not have a filtration plant and it has to put up with the problem of the Adelaide to Mannum pipeline not being filtered. And the problem goes on.

*Ms Rankine interjecting:*

**Mr VENNING:** The member for Wright asks: whose problem is that? Some people always miss out in life. I thought the member for Wright was here for the battlers. I am here for the battlers. Some people never get a good run. The people in this community have not had a good run. I thought this is an opportunity for us: if we pass the amendment it does not make it easy for them but, if they are really keen to do it, it gives them the ability to say, 'We will have a go and we will purchase a machine,' which, as the member for Kavel has just said, is expensive. I am disappointed that this obviously will not pass because the minister has said that he will not support it. All I can say to the people of Palmer is I have tried, and I think it was the member for Kavel who took the call from the Palmer Hotel in the first place—that is what disappoints me a little.

*Mr Goldsworthy interjecting:*

**Mr VENNING:** It has been a long campaign. But I can say to the people of Palmer that I have tried and will keep at it, but this vote certainly will be circulated in Palmer, and I am a little bit disappointed.

**Mr BROKENSHIRE:** I will be brief in my remarks. I cannot support this amendment. We know that there are lots of flaws in the legislation, but one of the things we have already talked about is the fact that, if you have a venue that does not have any gaming machines or has never had them, there is a greater chance that there will not be problem gamblers in that area.

Even if the Labor Party had not gone down the track of giving hotels an opportunity to have gaming machines, and they would have been only in clubs, as a lot of people say they would have preferred, exactly the same thing would have happened. The irony of this legislation and why it is such a farce is that, once the 3 000 machines have gone out of the system, the Palmer Hotel, as I understand it, can buy five machines, 10 machines or whatever number they want to buy on the open market, anyway. So they have an opportunity to buy just the same as anybody else.

Five machines will be nothing but a financial mess for them, in any case, I would suggest. In my own area, people with 10 or 12 machines are struggling. You have all the compliance cost and legislative requirements that a hotel with 32 or 40 machines has, in effect, with reporting processes and everything else, and I think you would probably be helping to accelerate a negative cash flow for a hotel such as Palmer if you went down this track.

One of the things that some of the small hotels have indicated in my area is that they would like to get out—flog off the small number of machines—and go back to being a good old country pub that specialises in quality food, a family atmosphere and a gaming-free environment. I suggest that maybe Palmer needs to focus on that, or perhaps set up some entertainment for the younger sector. Again, in my own home region, I know certain hotels become magnets for all the young people on the Fleurieu Peninsula because they get the bands, they get the buzz and they get the people. I cannot support this amendment at all. I am sorry for the member for Schubert but I do not think he is doing the people of Palmer any service whatsoever.

**The Hon. P.F. CONLON:** I move:

That the question be put.

**The CHAIRMAN:** I put the amendment standing in the name of the member for Schubert.

**The Hon. I.P. LEWIS:** Are you reporting progress?

**The CHAIRMAN:** No, the motion was that the question be put. I put the amendment standing in the name of the member for Schubert, 6(17). Does the member for Hammond wish to speak?

**The Hon. I.P. LEWIS:** Yes.

**The CHAIRMAN:** The question was put, so—

**The Hon. I.P. LEWIS:** Yes, I know, and it is a denial of democratic rights on an issue of conscience proclaimed loudly in the press by the Premier and other ministers, and it is a bloody disgrace.

**The CHAIRMAN:** The question has been put.

**The Hon. I.P. LEWIS:** Divide!

**The CHAIRMAN:** I have not declared the vote yet.

**The Hon. I.P. LEWIS:** I thought you said you had put it.

**The CHAIRMAN:** No, I put the motion that the question be put. That is what we have dealt with.

*Members interjecting:*

**The CHAIRMAN:** Order!

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

**The CHAIRMAN:** The member for Newland! To clarify things, I put the question that the question be put. We have dealt with that and are now dealing with amendment No. 1 of the member for Schubert.

**The Hon. I.P. LEWIS:** Mr Chairman, I never heard the proposition other than that it meant to me, where I am sitting, that we report progress. That is why I began perambulating down the chamber.

**The CHAIRMAN:** I point out that no-one, to my knowledge, mentioned reporting progress.

**The Hon. I.P. LEWIS:** If that is the case, I crave my right to speak to the proposition that the motion be put.

**The CHAIRMAN:** Once the committee has resolved a matter, it cannot be revisited.

**The Hon. I.P. LEWIS:** Well, then, speak a bit louder.

**The CHAIRMAN:** Order! The member for Hammond has his view but he is out of order. Other members, presumably, heard what I had to say.

*Members interjecting:*

**The CHAIRMAN:** If the committee wants it revisited, it can do so, but I thought it was quite clearly put.

**Mr WILLIAMS:** Mr Chairman, I seek your advice.

**The CHAIRMAN:** For clarification, I am happy for the question to be put again. I do not control the amplification system. As far as I am aware, it is working.

**The Hon. P.F. CONLON:** I am happy to withdraw the motion. I was unaware that the member for Hammond wished to speak. The only reason I wanted the question put was that the opposition was, once again, exercising delaying tactics and I saw the member for MacKillop leap to his feet.

**The CHAIRMAN:** The motion has been withdrawn by the Minister for Infrastructure. Does the member for Hammond wish to speak to the amendment of the member for Schubert?

**The Hon. I.P. LEWIS:** Yes, Mr Chairman. I thank the committee for this indulgence and the minister for his grace in withdrawing. I say to the member for Schubert that, however well-intentioned his propositions may be, it is as if the argument would be no more or less valid to claim that if a butcher shop is taken from the community then the people in that community will have to go elsewhere to buy their meat and accordingly will seek to purchase the other things they need whilst they are there, and the shops in the community will fail because they lack patronage. The member for Schubert is really saying that poker machines are the panacea for small communities' survival. That is patently absurd. Playing poker machines is very much an insular, antisocial activity. I have never seen anyone sit down to play a poker machine or an electronic gaming device—call it what you will—and engage in a conversation with somebody else from the community. In my experience of observing gamblers, it takes their entire attention, to the extent that people get antagonistic if you seek to have a discussion with them whilst they are concentrating on what the infernal machine is doing. They become quite antisocial, in the main—not all, but the majority.

So, if the argument, as I hear it from the member for Schubert and other people supporting this proposition, goes that you should allow a small number of poker machines in licensed premises in a small rural community (which in some measure is isolated) because it will mean that people will come from the local community and play the machines and that will keep the community together, that is a nonsense. It will break up the community. Worse still, the member for Schubert and the minister know—indeed, every member of this place knows—that what was predicted at the time by those of us who opposed the introduction of poker machines has come to pass. There have been suicides as a consequence of people becoming bankrupt or, worse, losing their money and without becoming bankrupt committing a crime to get more money—it is commonly called stealing, or defrauding their employer, or getting money from wherever they can—to feed their habit once they become hooked.

Is the member for Schubert claiming that under the aegis of a bill, a proposal to limit the damage from electronic gaming devices in society—and that is what brings this measure here—we should allow it to be introduced for the benefit and profit of a business in a small community to the extent that, sooner or later, it may mean the death of someone in that community or, more likely, the frequent insolvency of a number of people in that community and the disruption of family life, if not the destruction of family life, of even that small number of families left in the community? If that is his argument, let him take it to the people of Palmer or wherever else he thinks he is going to save them and tell them the truth about what these machines will do in their small community if they crave them.

I say to him and I say to those who cannot see the truth of this proposition that it has been spelt out in the daily press and on the electronic airwaves for months and months ad nauseam, year upon year, to try to convince the member for Schubert and those other advocates of this amendment, to convince those people who have said enough is enough, that they are mistaken, that there ought to be more and that we ought to take them into every corner of the universe.

According to the member for Schubert and those people who are advocates for these infernal machines, poker machines will be the salvation of India's economy, of Bhutan's economy. All we have to do to get those communities to prosper is to introduce poker machines and they will come and play them and prosper and the government will get revenue. Damn it, they haven't got any now! It just defies logic. The member for Schubert knows that if there are families on low incomes those people have a greater propensity to gamble than those on higher incomes.

If the problem in Palmer is that there are a lot of families on low incomes, introducing poker machines into the community will ensure that there is even less discretionary consumption expenditure for the benefit or the needs of those families. That is what this debate is about. As well-intentioned as it may be, it is muddleheaded; it is just plain dopey. If poker machines were a panacea, the government would have taken them to Antarctica so that the people in Antarctica could lose all their winter's wages while they sit down there in their off shift time and play the bloody things. It defies logic.

The member for Schubert ought to say to the people in those small communities: if you want your community to survive and you don't think it's going to survive, then organise a barbecue on Saturday nights and bring your own grog, play cards, buy an Aladdin's lamp and save electricity. It would probably be cheaper, anyway. More particularly, I am saying, Mr Chairman—

**The CHAIRMAN:** Order! The committee needs to report progress because of the hour.

**The Hon. I.P. LEWIS:** So what? I am on my feet, and I do not have to sit down. I cannot be ordered to be interrupted.

**The CHAIRMAN:** Order!

**The Hon. I.P. LEWIS:** That may be a discretion, but I have had my privileges abused more than once in this place. I am exercising my right to speak for 15 minutes, and if 10 o'clock passes—

**The CHAIRMAN:** The member for Hammond can continue speaking in a minute. We need to do the 10 o'clock—

**The Hon. I.P. LEWIS:** Then let the record show that I am—

**Mr MEIER:** Unless you read the time differently from me, sir, it is after 10 o'clock.

**The CHAIRMAN:** Order! The member for Hammond must resume his seat.

Progress reported; committee to sit again.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** I move:

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

**The SPEAKER:** Whilst I make the accurate observation that it is already two minutes past 10, I will nonetheless accept the motion, in spite of the smart alec attempt by a minister earlier to prevent me from speaking and the good grace he showed in the process of allowing me to do so.

Motion carried.

In committee.

**The CHAIRMAN:** The member for Hammond was part way through his contribution.

**The Hon. I.P. LEWIS:** Thank you, Mr Chairman. The simple fact remains, then, that the use of poker machines as the member for Schubert intends as a means of saving a small rural community from complete disintegration is a nonsense. Indeed, of all the things that could be done, that would be more likely than any other to secure the demise of that community and, in the process, cause great pain to at least some of the members of that community and the families of which they are a part. It would be no more or less valid to argue—indeed, it would be more valid to argue—that you would need to have a barber shop in a community, because people need to have their hair cut and, without a barber shop, they must go elsewhere and, if they do go elsewhere, they will do their shopping elsewhere and, in the process, other businesses in the community will collapse.

The proposition put by the member for Schubert is a non sequitur. It does not follow that the introduction of poker machines will result in the community remaining together. Indeed, as I have demonstrated, it is more likely than not that their introduction will bring about the demise of such communities more rapidly. There is no special case. All of us ought to remember the general maxim of politicians that hard cases make bad laws. This is what the member for Schubert puts to us as a hard case; it will make a bad law.

In spite of my desire to make the bill as ugly and useless as possible as it comes to the third reading, I will nonetheless vote against the member for Schubert's well intentioned but ill-informed and ill-founded proposition to allow an increase in the number of machines in those communities that do not presently have them by giving them five.

**Mr VENNING:** I will wind up, but I want to make a comment about the member for Hammond's impassioned speech. I take him to task on his logic when he compared a hotel to a butcher shop. It is true that butcher shops are essential, but people do not congregate in them. They go in to buy their meat and leave but, as we all know, people congregate in hotels. Humans are an agrarian species. We like to get together and share each other's company, and nowadays hotels seem to be the place to do that. We do not congregate in a butcher shop (although we might see someone as we go in and out), but we do in a small country hotel.

The member for Hammond went on at length to say that gambling could destroy a small town like Palmer. Those people in Palmer who wish to gamble are gambling already in Mannum or Mount Pleasant. If the hotelier in Palmer decided he would like to buy the machines (and that is debatable because of the financial penalty he will pay) and then decided to sell the hotel, he would have to hand back the machines. What would they be worth in that eventuality? They would be worth very little, if anything, and that is a risk. However, I cannot agree with the member for Hammond when he said that installing poker machines in the Palmer Hotel would destroy Palmer, because the people are gambling in the surrounding towns, anyway. I thank members for their support, and I make a plea for small communities.

**Mr WILLIAMS:** I want to make a couple of very quick points. First, I do not think it is the job of the house to make legislation to protect business people from making commercial decisions, which is what the member for Kavel has suggested. I think a businessman should have the right to make commercial decisions and take the consequences thereof. I do not think it is the job of the house to make legislation to protect business people from making commercial decisions, but that is what the member for Kavel suggested. I think a businessman should have the right to make a commercial decision and take the consequences of that. I do not know it is the job of this house to protect people from themselves in that way. The minister talked about how there could be 150 machines introduced because of the member's amendment. Can I remind the minister that last evening this house agreed to exempt clubs, which increased the number, and it was supported by the Premier no less.

*The Hon. M.J. Wright interjecting:*

**Mr WILLIAMS:** The committee exempted clubs which increased the number of machines by about, on my understanding, almost 500.

**The Hon. M.J. Wright:** No, that is not correct.

**Mr WILLIAMS:** Well over 400.

*The Hon. M.J. Wright interjecting:*

**Mr WILLIAMS:** I will stand corrected. That was my understanding. But it was certainly a lot more than 150. I would argue that the membership of the clubs involved is probably less than the occupants of those towns that the minister alluded to. All I am saying is: why will the minister not advise the committee to be consistent? There is one group, the clubs industry, that the committee felt sympathy for and recognised that it needed support. Here is another group, albeit a group that is out of sight and unfortunately out of mind of most members, but I think they equally deserve the consideration of the committee.

Amendment negatived.

**The CHAIRMAN:** The next amendment is 6(20) standing in the name of the member for Hammond.

**The Hon. I.P. LEWIS:** Mr Chairman, such amendment is no longer possible or relevant.

**The CHAIRMAN:** So you are withdrawing that, thank you.

**The Hon. I.P. LEWIS:** It is no longer possible; it is a non-sequitur. It cannot be entertained.

**The Hon. M.J. WRIGHT:** I move:

Page 9, line 17—New section 27D(1)—delete paragraph (d) and substitute:

(d) if a person is authorised by or under Part 3 Division 4A to carry on the business of a licensee, the licensee's gaming machine entitlements vest in the authorised person for the duration of the authorisation (and are not otherwise transferable during that period) but then revert to the person in whom they would (apart from this paragraph) have been vested;

(e) if a person holds a temporary licence under Part 3 Division 4A, the former licensee's gaming machine entitlements vest in the licensee for the duration of the temporary licence (and are not otherwise transferable during that period) but then—

(i) if the temporary licence is converted into an ordinary licence-vest on the conversion in the holder of the licence; or

(ii) if the temporary licence is not converted into an ordinary licence-revert to the person in whom they would (apart from this paragraph) have been vested;

(f) the holder of gaming machine entitlements may (subject to this section) sell one or more of the entitlements under the approved trading system.

We had this discussion earlier. This is the same one that I spoke to about providing for entitlements to go with the licence. As I said when I raised that amendment, there would be a series of times that this would occur through the bill. This is an example of that, and it will occur again during the bill. It is the same debate we had earlier this evening. It is just occurring again here in the bill.

Amendment carried.

**The Hon. M.J. WRIGHT:** I move:

Page 9, line 18—New section 27D(2)—delete 'tender' and substitute:

trading

This is to replace the word 'tender' with the word 'trading' to provide for the fixed price approach. This is probably where you would like me to speak about the $50 000 fixed price trading, sir?

**The CHAIRMAN:** You have another amendment specifically on that.

**The Hon. M.J. WRIGHT:** Do you want to just do the first one?

**The CHAIRMAN:** I think we will do them in order.

Amendment carried.

**Mr BROKENSHIRE:** I am withdrawing 6(27) and 6(28), but I do want to put forward 6(30) and would like to speak to that. I move:

Page 9, lines 18 to 41 and page 10, lines 1 to 7—Delete subsections (2) and (3) of proposed new section 27D and insert:

(2) The approved trading system is a system under which—

(a) the holder of gaming machine entitlements may offer them for sale; and

(b) intending purchasers may offer to purchase gaming machine entitlements.

(3) The Minister will appoint an agency or instrumentality of the Crown to be the operator of the approved trading system.

(4) The following provisions govern the operation of the approved trading system:

(a) a prospective vendor of gaming machine entitlements is required, as a condition of participating in the approved trading system, to surrender gaming machine entitlements to the Crown as required in subsection (5);

(b) the gaming machine entitlements offered for sale will be included in a pool of gaming machine entitlements available for sale; and

(c) the gaming machine entitlements are to be sold at a price of $50 000 each; and

(d) trading in gaming machine entitlements is to occur on trading days falling at periodic intervals (at least quarterly) determined by the operator of the approved trading system (but the first such trading day must fall within 2 months after the commencement of this Division); and

(e) trading is to take place by a system of random allocation under which each gaming machine entitlement available for sale is allocated to an intending purchaser until (subject to availability) each intending purchaser has received one gaming machine entitlement; if gaming machine entitlements then remain available for sale, they will then be allocated randomly among intending purchasers who have offered to purchase 2 or more until (subject to availability) each such intending purchaser has received 2 entitlements; and so on;

(f) a preferential allocation will, however, be made to intending purchasers who had registered their offers on or before the first trading day and received on the commencement of this Division a number of gaming machine entitlements less than 80% of the number of gaming machines approved for operation on their licensed premises immediately before that commencement; but the preferential rights of intending purchasers to which this paragraph applies cease when the number of entitlements held by them reaches 80% of that number or their offers to purchase are satisfied in full (whichever first occurs);

(g) until one year after the commencement of this Division, no intending purchaser is to be entitled to acquire on the approved trading system more gaming machine entitlements than the difference between the number of gaming machines approved for operation on the licensee's licensed premises immediately before the commencement of this Division and the number of gaming machine entitlements assigned to the licensee on the commencement of this Division;

(h) the aggregate amount realised on sale of gaming machine entitlements from the pool is to be allocated as follows:

(i) if the vendor was required to surrender gaming machine entitlements to the Crown under subsection (5)—the vendor is entitled to a proportion of the aggregate amount realised on the sale equivalent to the proportion that the number of gaming machine entitlements offered for sale by the vendor bears to the aggregate number of gaming machine entitlements offered for sale;

(ii) if the vendor was not required to surrender gaming machine entitlements under subsection (5)— the vendor is entitled to that proportion of the aggregate amount realised on the sale less a commission of $16 666 (which is to be paid to the credit of the Gamblers' Rehabilitation Fund);

(i) vendors who have offered all their gaming machine entitlements for sale are to be paid out before those who have offered less than the total number of their gaming machine entitlements for sale.

(5) A prospective vendor of gaming machine entitlements is required to surrender entitlements to the Crown as follows:

(a) if the total number of gaming machine entitlements in force under this Act exceeds a number calculated by subtracting 3 000 from the number of gaming machines approved for operation under this Act immediately before the commencement of this Division, the prospective vendor must surrender one gaming machine entitlement for each complete or fractional multiple of 3 entitlements to be offered for sale; and

(b) if the prospective vendor is a non-profit association, the prospective vendor must, whatever the number of gaming machine entitlements in force under this Act, surrender one gaming machine entitlement for each complete or fractional multiple of 3 entitlements to be offered for sale.

(6) Gaming machine entitlements surrendered to the Crown under subsection (5) are to be dealt with as follows:

(a) if surrendered by a non-profit association—they are to be transferred to Club One;

(b) in any other case, they are to be cancelled.

I feel that this is a very important amendment. I have attempted to ensure that the parliament, that the industry and that everybody interested in this particular bill understand exactly what is going on when it comes to the methodology around the transferring system, whether it involves the matter of entitlements to be sold at $50 000, the processes on how they will be sold, the fact that you are losing machines, you lose one for four, or if there is less than that you lose 25 per cent. It is a very specific amendment. It also reinforces what the minister has indicated during the debate, that the government will be taking a 33.3 per cent commission off the machines after they reach their target of a reduction of 3 000, which we know is going to be some very long time from now, given particularly the fact that licensed clubs and sporting facilities have got an exemption for any reduction.

We have been told by the minister that 33.3 per cent commission on $50 000 is $16 666. We have also been told by the minister that that money will be additional money for the Gamblers' Rehabilitation Fund so that there will be some growth in that fund. In other words, it will not be putting money in from this commission structure and then taking money out the other end. It will be, as I understand, additional money to help the Gamblers' Rehabilitation Fund.

I want this in the bill for a number of reasons. First, I think that the industry deserves better than to be told about the base structure and methodology of how tradability will occur, about the cap on the value of the machines, and so on, that we have been debating to an extent in our second reading contributions, and that it, the industry, can relax because that will all be in the regulations. Well, because it is such a fundamental part of the whole of this scheme, the industry deserves some certainty—and it was said earlier that a number of hoteliers have some issues about which they have to deal with their banks now, and those banks will want some certainty. The hoteliers and their families deserve some certainty, as do the employees as to the arrangements and methodology for trading, the value of selling the trade-offs, and all the other aspects that we have been talking about.

I do not think, given how important this is, that we should have this happening just by regulation, because many of the members would not understand exactly how all of the tradability aspects are going to work. They will not understand that and, as the member said, nor does the government.

I am worried, because I have seen in this house over several years that if you do not have your methodology and your base structure as to how the thing is going to mechanically work in the legislation, so that it is there in law, you can get a totally different situation come through in the regulations, and that takes away the certainty. True, there can be goodwill. I am sure that the minister's intentions are extremely honourable in relation to this, but things happen in drafting and things happen with regulation, so that, by the time that regulation is tabled, it can be at variance to what industry sectors thought they were negotiating for. And, of course, this can have enormous ramifications for the viability and sustainability of that business, as well as for the banks and other people who are involved in credit, etc., with that business.

I think it is fair and reasonable that if parliamentary counsel and the government know what their intention is, and it has been signed off with industry, we should put that into the legislation so that it is there, having firmly been passed by the parliament. Then, all members of the parliament know exactly that methodology and there can be no ambiguity. We have talked about the importance of looking after the concerned sector, and we have talked to an extent, although not sufficiently yet, about how we can address problem gambling. However, we also have an industry here that involves 24 000 South Australian families getting bread and butter and food on their tables every day, and they need some sort of certainty. Now we have got to an arrangement—

**The Hon. K.O. Foley:** You said on radio this morning that you wanted to take more machines out. You are full of hypocrisy.

**Mr BROKENSHIRE:** Hang on, Kevin. This is not to do with that.

**The CHAIRMAN:** Will the member for Mawson resume his seat? The committee has an issue before it, because this amendment has tax implications. Standing order 362 provides:

No amendment for the imposition or for the direct or indirect increase of a tax, rate, duty or impost may be proposed except by a minister.

The issue for the committee and ultimately for the chair is whether this amendment contravenes that standing order and the same principle in standing order 232. The chair does not know whether the minister (who has an amendment of his own) is accepting the financial aspect of this in relation to taxation. If not, then a ruling has to be made that this amendment in its present form is unacceptable because it infringes standing order 362 and raises the question of a member, other than a minister, seeking to impose or increase a tax, duty or impost. It is not the wish of the chair to be difficult, but the chair has to rule, and I think it is quite clear that this infringes against standing order 362. Whether the member wants to re-draw the amendment so that it does not infringe (and I am not sure how that could be done; I am not parliamentary counsel) is up to him. Do I take it that the minister is not adopting or supporting this?

**The Hon. M.J. WRIGHT:** I do not support this amendment, no.

**Mr BROKENSHIRE:** As a point of clarification—and I think this is important—can you explain to me three things. First, I need to advise the committee that, effectively, all I have done is ask parliamentary counsel to draft these amendments based on what the minister said in the second reading explanation. Also, I base it on what the minister said in answer to the question I asked during my second reading contribution. I am not aware that I am putting anything in here that is different to what the minister has agreed to. If I was trying to upset the government's global budget then I would agree that your ruling, sir, would be correct. I am not doing that because I am not interfering with the government's budget whatsoever. If it gets back to the fact that I have the figure 16 666 instead of one third, I would be happy for that to be changed to one third. However, I need to reinforce to the committee and to you, Mr Chairman, that all I have done is to pick up what the minister said in debate.

The minister, I and others will not be here forever. Let us take all that and put it into a package within the bill so that the methodology of how this works is in the legislation. It would be a terrible situation if we ended up disallowing regulations and upsetting the industry.

**The CHAIRMAN:** The honourable member's explanation does not detract from the force of standing order 362, which provides:

No amendment for the imposition or for the direct or indirect increase of a tax, rate, duty or impost may be proposed except by a minister.

I think that is pretty clear. The issue is that, traditionally under our parliamentary system, the government has responsibility for the expenditure of moneys and for the collection of revenue (taxes) in various forms. The minister has indicated that he is not accepting of this. In any event, the minister is not the proposer. The chair does not have any choice but to rule that this amendment in its current form contravenes standing order 362.

**Mr BROKENSHIRE:** As a point of clarification, can I be advised by those people in this house who give us advice how I can get this into a form or structure so that it can be acceptable? Failing that, I ask whether, given that we will be adjourning shortly, the minister would get his staff to put what I am implying needs to be done under the minister's name.

**The CHAIRMAN:** The minister is his own person. The honourable member cannot require the minister to do anything in respect of financial matters or anything else. As it stands now, I think the standing orders are quite clear. This is in contravention of standing order 362. The honourable member can get advice, but the chair's understanding and my own advice is that this is in clear contravention and raises the fundamental issue that only ministers and the government can propose taxation and expenditure.

**Mr BROKENSHIRE:** I thank you for your guidance, sir. I seek one further piece of guidance. Where can a member of parliament, who has a duty to represent his electorate and the citizens of South Australia, get this advice? I have been trying to get this advice for the last 24 hours. Previously in this place there was an opportunity to allow money to go to the live music industry. That happened. I was sitting in here. That legislation was passed and it involved much more money with which the minister has already indicated he is in agreement.

Surely that legislation becomes a precedent. Tomorrow I will be requesting some sort of explanation from the Clerk because we now have a precedent. Why am I not getting an opportunity to try to get something like this into the legislation? I am not trying to be smart. I am just trying to protect people; that is all.

**The CHAIRMAN:** I would have to recall the matter of the live music industry. There is nothing to stop the member for Mawson advocating these principles, but he cannot move an amendment to change a law which involves the collection of a tax, rate, duty or impost. The chair is ruling that, in its current format, this amendment is out of order and needs to be treated accordingly.

Progress reported; committee to sit again.

## CRIMINAL LAW CONSOLIDATION (ABOLITION OF THE DRUNK'S DEFENCE) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

No.1. Page 2, lines 3 and 4 (clause 1)—
Delete 'Abolition of the Drunk's Defence' and substitute:
Intoxication

Consideration in committee.

**The Hon. P.F. CONLON:** I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

## ADJOURNMENT

At 10.32 p.m. the house adjourned until Wednesday 27 October at 2 p.m.