

LEGISLATIVE COUNCIL

Thursday 7 May 1992

The **PRESIDENT (Hon. G.L. Bruce)** took the Chair at 11.30 a.m. and read prayers.

GAMING MACHINES BILL

In Committee.

(Continued from 6 May. Page 4804.)

Clause 50—'Minors must not be employed in gaming operations.'

The Hon. K.T. GRIFFIN: I move:

Page 18, Line 14—

Leave out '7' and insert '5'.

After 'fine' insert 'or division 7 imprisonment.'

I continue the program which I have set in place for increasing some of the penalties. Clause 50 deals with the employment of a minor in any capacity in connection with the conduct of gaming operations on licensed premises. If that occurs, the licensee is guilty of an offence. It seems that that is a matter that is specifically under the control of the licensee and that therefore there ought to be a period of imprisonment in addition to the fine. The fine is division 7, which is \$2 000. I am proposing that that be increased to a division 5 fine of \$8 000, because I think the fine is too low, keeping in mind that certainly I want to ensure that minors are not involved with the gaming machine industry.

I also want to provide imprisonment at the division 7 level, which is six months, which in those circumstances I think would be an adequate deterrent. So there are two amendments: the first is to increase the monetary penalty from division 7 up to division 5, which is \$8 000, and the second amendment is the imprisonment.

The Hon. ANNE LEVY: As I indicated last night, I personally support all the amendments to be moved by the Hon. Mr Griffin in relation to penalties. This not being a conscience matter, I cannot speak for anyone else, but I am very happy to support them.

Amendments carried; clause as amended passed.

Clause 51—'Minors not permitted in gaming areas.'

The Hon. K.T. GRIFFIN: I gave some consideration as to whether I should contemplate some imprisonment penalties, but I took the view that, in the first instance, the penalty was directed towards the minor and that it would be inappropriate in those circumstances to contemplate imprisonment. In the second category, recognising the difficulty for licensees where a minor enters gaming premises, it would be inappropriate to impose an imprisonment penalty on the licensee merely because a minor is on the premises. Therefore I have tried to get some balance into my hardline attitude and recognise that, whilst the licensee ought to exercise control, it may be too tough to impose a penalty of imprisonment. It is for that reason that I have not sought to move any amendments to the penalty provisions in this clause.

Nevertheless, I think it is a serious matter. Licensees, of course, can lose their licences if they contravene any provision of the legislation, and that will be a deterrent in itself. I would hope that, as with the liquor licensing industry, if this Bill passes, gaming licensees will exercise very strict supervision and control over the access of minors to gaming areas. It is a difficult area to police, and I know that the Hotel and Hospitality Industry Association has had several schemes designed to try to provide some means of identi-

fying minors, which have not been totally effective. Nevertheless, they were fairly important steps in trying to protect licensees from the devices of minors, many of whom seek to enter licensed premises to drink, and there will probably be no difference in respect of gaming. But in relation to the other penalties that are in place plus the obligations that are placed on licensees, I think this is one area where, if the Bill passes, the industry will have to exercise very strict controls to ensure that minors are not allowed onto the premises or to engage in playing the machines.

Based on the information that has been provided to me and probably to some other members, if the minors start gambling at an early age, it is likely to create a greater potential for addiction to it. So, I regard that as a very serious matter, as I think all members will, but I particularly want to put on record my concern that this is an area where, if the Bill does pass, that ought to be policed strictly.

The Hon. BERNICE PFITZNER: Clause 51 (3) provides that it is a defence to the offence created by subclause (2) if it can be proved that reasonable steps were taken to prevent the entry of a minor. I have looked in the Bill for a defence to a charge of mistaken age in relation to youths. Is that covered by clause 51 (3), or is it elsewhere?

The Hon. ANNE LEVY: This clause would certainly be used in terms of mistaken age. If, for instance, a licensee requests proof of age, requests to see an ID, and someone who is only 17 years of age, nevertheless, manages to convince the licensee he or she is 19 years of age, it would be taken that the licensee had taken reasonable steps to ensure that a minor was not present. However, if the licensee just lets people wander in because he thinks they look 18, and they are found subsequently not to be 18 years of age, the defence in subclause (3) would not be available to them. I understand the Casino is a very good model in this respect and, of course, it is an appropriate comparison, considering it deals with gaming. The Casino is very strict indeed in requiring IDs and being convinced by the ID. The Commissioner has told me that he has seen occasions where young individuals have produced IDs, which the Casino has refused to accept as proof of age and has not permitted their entry.

The Hon. BERNICE PFITZNER: Is the matter of mistaken age contained in this Casino Act specifically, or is it a similar kind of reference as contained in subclause (3)?

The Hon. ANNE LEVY: I am told that the Casino Act provides that no minors are to be admitted to the Casino. No comparable clause is contained in the Casino Act, but the Casino Act does provide that the authority shall determine procedures to be observed in order to ensure against admission of persons to the Casino in contravention of subsection (1), which relates to minors. The Commissioner, as one of the conditions which he imposes, wants to be satisfied that the procedures that are being used to make sure that minors are excluded are satisfactory for that purpose, and he is very happy with the procedures which the Casino has implemented.

The Hon. T. CROTHERS: I direct a couple of questions to the Minister. First, how wide does 'in connection with the conduct of gaming operations' in clause 50 extend in relation to hotels and clubs continuing to employ apprentices in the culinary arts? Secondly, does this legislation override the discrimination legislation of this State with respect to minors? Which legislation is predominant with respect to age discrimination in employment—the legislation first enacted or the legislation that is more pertinent?

The Hon. ANNE LEVY: As I understand it, this legislation is specific in that anyone under the age of 18 years would not be able to be in the gaming area of any club or

hotel which had a gaming licence. This of course would not prevent the licensee from employing apprentices, say, to work in a kitchen or in other areas. No apprentice would be able to be employed in any duties which included anything to do with gaming or would be permitted to enter the gaming area of the club or pub. In terms of the Sex Discrimination Act, while I am not a lawyer I think that this Act would certainly override the—

Members interjecting:

The Hon. ANNE LEVY: Sorry, the Equal Opportunity Act.

The Hon. K.T. Griffin: This overrides it.

The Hon. ANNE LEVY: Yes, this Bill overrides the provisions of the Equal Opportunity Act.

The Hon. T. CROTHERS: There has been much talk in the industry over the past few years about creating a new trade bloc so as to lift the standard of the industry, that is, to create a new skilled position of waiter/waitress. The Minister said that people under the age of 18 years must not be in the gaming area. Has consideration been given to the fact that in a section of the gaming area foodstuffs might be served?

What is the position if the industry wants to lift its game and standards? I am not suggesting that it should, but it may want to do so; it would have that barrier against it so that it could not utilise its employees in all areas of its premises. Would that not be a deterrent to the industry and the unions agreeing to waiting becoming a skill, which it certainly is in Europe, with great benefits to the industry? Secondly, would it not relate to discrimination in the employment of young people in an industry which would certainly take them off the unemployment register?

The Hon. ANNE LEVY: The answer to the honourable member's query is that, if the legislation is passed, it would be a decision of Parliament that minors are not to be allowed in the gaming area. Whether there are food tables there or not, they would not be allowed to be there. It would be for the licensee to determine whether to put food tables there. It might be more sensible to have food tables in another part of the establishment where minors would be able to go. If the Parliament decides that minors are not to be allowed in a gaming area, that will be the law, and minors will not be allowed to go into the gaming area.

Clause passed.

Clause 52—'Licensee must erect warning notices.'

The Hon. K.T. GRIFFIN: I move:

Page 19, line 9—Leave out '7' and insert '6'.

This amendment will have the effect of increasing the fine from division 7, which is \$2 000, to division 6, which is \$4 000, for failure to cause a notice to be erected in a prominent position in relation to minors.

Amendment carried; clause as amended passed.

Clause 53—'Powers in relation to minors in gaming areas.'

The Hon. DIANA LAIDLAW: What evidence would be acceptable to the Liquor Licensing Commissioner as proof of a person's age?

The Hon. ANNE LEVY: I understand that the Commissioner would expect the licensee to be very strict in requiring proof of age and to examine this matter very carefully. Without laying down what must be accepted, the Commissioner would find acceptable the proof of age card issued by the STA. However, IDs which are capable of being tampered with would not be sufficient. Even though this might lead to occasions when people who are in fact adults were denied entry, he would expect licensees to err on the side of caution in any given situation.

The Hon. DIANA LAIDLAW: I am interested in the Minister's response because, whilst most young people today

have a photograph on their licence and can certainly produce it, the Minister would know that a lot of girls do not get their licence until they are much older and they may not look their age. I am pleased to see that the Minister believes that the licensees will be erring on the side of caution and requiring a person who cannot produce that evidence not to enter the premises, because there are very onerous provisions against the licensee if he or she is caught. I believe that the provisions in this Bill relating to offences involving minors are strict and will overcome the concerns that have been expressed to me by many people about minors and gambling. There are many young people on licensed premises today and under-age drinking is seen as a matter of concern, one that is not policed as well as it should be. This will certainly be much stricter, and I am heartened by the Minister's answer. Is there any recourse for a person who is aggrieved at having been thrown out when they are over the age of 18 but who have not been able to produce evidence at that time that that is so?

The Hon. ANNE LEVY: Not under this legislation.

Clause passed.

Clause 54—'Commissioner or licensee may bar excessive gamblers.'

The Hon. K.T. GRIFFIN: I wish to make a few general observations about this clause. I made similar observations during my second reading contribution, but I think it is important to repeat them now that we are considering this clause specifically. It looks good to have provisions in this sort of legislation to provide that a person who becomes excessively dependent on playing gaming machines should be barred from the facility. It may give a warm inner glow if it is included in legislation. I generally support the principle; the difficulty is how we administer and enforce it.

I sent a copy of this Bill to the Law Society for comment, and it made some submissions to me. One of the areas of concern relates to clauses 54 and 55 of this Bill (clauses 52 and 53 of the House of Assembly Bill). The society raised a number of issues that suggest that although the provisions look good, they cannot be enforced. I will just refresh members' memory on what the Law Society said in relation to these two clauses (clauses 54 and 55). It stated:

... the Bill contains a mechanism whereby excessive gamblers may be barred from gaming areas. I do see, however, substantial problems in their application such as they would be rendered nugatory. Pursuant to clause 52 (3) [which will now be clause 54 (2)] the holder of a gaming machine licence must be satisfied that the welfare of a person, or the welfare of a person's dependants, is seriously at risk as a result of the excessive playing of gaming machines before the licence holder may bar the person from the gaming area.

A number of points need to be made about that subclause. In the first place, although the subclause does not say so, presumably it is directed at excessive gamblers who also lose, but such an interpretation is by no means clear. It could also be directed to excessive gamblers who spend too much time gambling, thereby affecting the welfare of the person or the person's dependants.

Secondly, as observed, the holder of a gaming machine licence needs to be satisfied of certain matters. That is a high standard to reach and, it must be said, it would not be in the interests of the holders of such licences to be so satisfied.

Thirdly, to be 'satisfied' within the meaning of the proposed legislation must involve an element of judgment upon which minds would obviously differ.

Fourthly, in all but a few cases the holder of a gaming machine licence would not have access to the necessary information to make an informed judgment that the welfare of any person is at risk, let alone that it was seriously at risk as the result of the excessive playing of gaming machines. You would have to expect that the person possibly at risk of being barred would deny it.

Fifthly, the clause does not apply if the risk otherwise arises from, say, drinking excessively, gambling at cards, keno, horse racing or greyhounds. The risk must arise from '... the excessive playing of gaming machines ...'

Finally, the clauses only bar the person from that gaming area in the event that the holder of the gaming machine licence enter-

tains the necessary satisfaction. It would be easy for the determined gambler simply to go to other gaming areas on the same premises or, as is more likely, go to quite separate premises.

I have highlighted certain problems with the Bill in its present form, not to be hypercritical but merely to illustrate the difficulties in saving the addict from him or herself.

The observations which have been made on behalf of the Law Society reflect the concerns which a number of people will have about the actual application of this legislation. As I said at the start of these remarks, it is an important and good principle. The difficulty is how it will be put into operation and enforced. I suppose, as the Law Society letter concludes, how do you ultimately save an addict from him or herself? That question is related to a later amendment that seeks to establish a gaming tax fund and also to the issue raised in relation to the Casino legislation back in 1983 where Mr Groom, the member for Hartley, gave a commitment on behalf of the Premier that funds would be set aside for research into the effects of gambling.

In discussions with Central Mission, which has a very close involvement with Gamblers Anonymous, I think, there is very grave concern about the consequences of persons being addicted to gaming machine gambling and the effects it will have not only on that person but also on that person's family. There is a concern that inadequate support is given, both to agencies which provide some means by which those compulsive gamblers can try to come to terms with themselves and their gambling as well as supporting families. Inadequate resources are available for that purpose.

Since this form of gambling is identified around the world as being potentially more addictive than other forms of gambling, because of the ready accessibility to gaming machines, this issue of the gaming tax fund will be an important and interesting debate. With respect to this provision, I reflect that there are difficulties in administration. Notwithstanding that, I want to seek to increase the monetary penalties, not with a view to imposing any imprisonment on the person who is the addicted gambler, because that would not be a deterrent, and it may be difficult for the holder of the licence to police, as the Law Society indicates. It would be unfair to seek to impose imprisonment as one of the penalty options, but the fines could well be increased, and I propose to do that.

Before I do that, is the Minister able to reflect on my observations about the clause and the Law Society's comments about it, and comments which were not responded to by the Minister, as I recollect? That is not a criticism: it is just an observation that an issue was not referred to in the reply. Does the Minister agree with those observations about the difficulty of enforcement of clause 54 and, in conjunction with that, clause 55, and does the Liquor Licensing Commissioner have any possible alternatives which would address those difficulties in respect of compulsive gamblers?

The Hon. ANNE LEVY: I recall that I made some remarks in my second reading reply but they were not lengthy or detailed. It is generally recognised—and it was certainly recognised by the Minister of Finance in the other House—that the provision in the Bill is probably not ideal, but it is very difficult to devise something that can be foolproof and achieved practically. It would not be feasible to circulate photographs of certain people to every club and hotel in South Australia, and anything short of that would be a deficient provision.

However, I think we should realise that this provision is likely to be very effective in small communities, though perhaps less so in the metropolitan area. For instance, in a small community such as Ceduna—and I pick that place for no reason at all—if a person is addicted to gambling

there are unlikely to be a large number of places where gambling can take place; there might be three or four or perhaps only one such venue. In small communities people become known and are recognised by everyone. Hence, enforcement will be much more readily achieved, and the welfare of that person's family can certainly be taken care of.

I agree that such an outcome may not apply in the metropolitan area, particularly given the mobility of people and their ability to move quite readily around the metropolitan area. However, if someone is a member of a particular club, all their friends and associates would be members of that club, and one could presume that that club would always be their first port of call rather than elsewhere. It is not ideal, and that is freely admitted. I point out though that ours will be the only legislation in Australia that even attempts to grapple with this problem. While it may not be a perfect solution, it is an attempt and something that has not been attempted in any other legislation in Australia: that I think, is very much to the credit of South Australia.

The Hon. M.J. ELLIOTT: I did not give a great deal of attention to this matter when I examined the Bill earlier. However, I will make some observations about it and I state that I will be opposing some of the subclauses. If a person has a gambling problem and is losing large sums of money, what will be achieved by fining that person and taking more money away from him? I do not see the point of subclause (1). I like the idea of a hotel or a club being able to ban a person for his own well-being, but, if that person fails to leave and he is taken to court, he can be fined when he may already be in financial difficulty. That seems to be a strange way of going about things and it blames the victim. Therefore, I will oppose subclause (1) and the associated penalty.

An even more important question concerns subclause (4) and the penalty associated with it. A very responsible publican, realising that one of his customers is losing badly, may decide to bar that person from the machine area. If the person comes back in, the publican can be fined. That is a great disincentive for a publican to take the responsible step of barring a person in the first place. I like the idea, although the person who has been barred can simply go to another club. I suggest that members should consider opposing subclause (4) and its associated penalty for that reason.

The Hon. R.J. RITSON: It is quite futile to attempt to protect people from themselves. It has not worked with alcohol or cigarettes and, if they are there, the problem will be there, inevitably. That is one of the reasons that I am opposed to the whole thing. It is quite futile to sit here arguing about how to protect people from themselves when it has never worked with anything else.

The Hon. PETER DUNN: I consider that this clause is padding; it is absolute bunk. It defies logic. If I am the proprietor of a hotel or club and I warn off my patrons, I would have no business. What is the use of doing that? I would be out there encouraging the patrons to come in. I served my apprenticeship as a drunk's labourer in the early days when my father had a hotel, so I know a bit about this. One of the things you do not do is offend your patrons. The first thing to offend a patron is to warn him off but how does the next pub know that he has been warned off?

There are two parts to this measure. A licensee can warn a person off his premises, which is fine, and he cannot get back in there. However, that bloke can go into another pub. As I walked to work this morning, I went past the Unley on Clyde. If I were warned off from there, I could slip up to the Earl of Aberdeen. Nothing will be achieved by this measure. If the Commissioner warns me off, which is the

second part, am I supposed to go around with a big sign on my chest saying that I have been warned off, or does he issue me with a sign?

The Hon. T. Crothers: It would be very appropriate for you.

The Hon. PETER DUNN: It might be. It would be some form of identification, because I have a bit of a problem with that at the moment. Let me go back to the Minister's comments about Ceduna. What happens if it is an Aborigine who is warned off? What about racism? It will really run riot then. I can see enormous problems with this clause. I ask the Minister to respond to my points.

The Hon. T. CROTHERS: I support the clause. In response to some of the matters that were raised by various members in opposition to it, I point out that, as a society, we protect people from themselves every day. One can see it in the tobacco legislation. I notice that the Hon. Mr Griffin agrees with me, and I bow to his superior knowledge of the law. I am sure that, off the top of his head, he could think of dozens of other areas where we do that.

Mr Dunn talked about the person who has the gaming machine licence throwing people out but, obviously, he has not read the clause, which provides that they may bar; in other words, it is a discretionary power and not an absolute power. It is important, if we are to instil responsibility in the holders of the licence, that, along with the instilling of responsibility that Parliament might impose on them, we give them some capacity to put their responsibilities into effect. We do that best by retaining this clause unaltered and unadulterated.

The Hon. R.I. LUCAS: Submissions made to me in recent weeks and months have shown gambling addiction to be an area of principal concern for those interested in the welfare of South Australian citizens. Even in recent hours I have continued to receive calls in relation to the perceived effects of the introduction of gaming machines. I concede that there are broadly two general views about the effect of the introduction of gaming machines on gambling addiction. I suspect that the majority view, as well as being the view the Hon. Mr Elliott and others have indicated in their speeches, is that the introduction of these machines will lead to increased numbers of people suffering from gambling addiction and flow-on social consequences for them and their families. I outlined my view, which I concede is probably a minority view, during my second reading contribution: that I believe that a certain percentage of South Australians who are predisposed to gambling addiction or affliction will get themselves into trouble irrespective of the forms of gambling that exist in South Australia.

There may well be a degree, if I could use a phrase from the tobacco industry, of brand switching; that is, there will certainly be people who, if poker machines are introduced into the State, will go to Government and non-government agencies having got themselves into trouble with poker machines, but it is my view—and, as I have said, it is probably a minority view in the community—that they are probably people who would currently be presenting themselves to the same agencies suffering from the same problem in relation to the Casino (whether it be the tables, or the gaming machines), through the SP bookies, the TAB or a whole variety of other areas.

As I have said, in this Chamber and in the community we all have differing views but, broadly, that summarises the two general positions. Some unsourced statement was made in another place, based on information someone had apparently provided in relation to the estimates of gambling addiction in South Australia as opposed to New South Wales, that in South Australia some 4 per cent of the

population was said to be suffering from gambling addiction—and I presume that is the adult population—and the comparative figure in New South Wales was half of that at 2 per cent. If those figures were correct—and I am not in a position to make a judgment on that, nor is anyone else in this Chamber—one would need to look at the facts in New South Wales.

New South Wales has had poker machines for some 30 to 40 years. Even if those figures are not correct, and let us say that they are 100 per cent out and that the figures are directly comparable, at 4 per cent or at 2 per cent, it does not give any backing evidence for the fact that, even looking at it from the weakest possible arguing point, 40 years of gaming machines in some clubs with 1 500 gaming machines, as the Minister indicated, has led to significant increases in the number of persons suffering from gambling addiction.

Excessive gambling and gambling addiction are matters of genuine concern to members and to the community. As we will not complete the debate this morning and will have at least the lunch break before we continue the debate, I advise that I am considering having drafted (I have not made a final decision yet) an amendment to, at least in part, try to provide more evidence in relation to who is right on the question of gambling addiction and the social and economic effects of the introduction of gaming machines. I am having drafted an amendment which—

The Hon. M.J. Elliott: The Premier offered us that in 1983.

The Hon. R.I. LUCAS: The Premier made the offer in 1983 to have a gambling inquiry. I am having an amendment drafted because, if I decide to adopt that course and the majority of members also decide to adopt that course and amend legislation, it is not up to the decision of an individual Premier, Labor or Liberal, or an individual person.

The amendment I am having drafted involves a three-year sunsetted reference (so it would not necessarily be ongoing) to the Social Development Committee of the Parliament to consider the social and economic effects. I understand that it has nothing else to do except look at prostitution, AIDS and other minor matters!

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: The Hon. Diana Laidlaw raised the prospect of a select committee, which is another option that may be considered by members. The only problem with a select committee is that the matter cannot be drafted into the Bill and there would have to be some sort of a commitment from the majority of members, something which, under the Standing Orders, I understand may be difficult to achieve in Committee on the Bill. I do not reject the option of a select committee of the Legislative Council to look at gambling.

The other option is a three-year sunsetted reference to the Social Development Committee of the Parliament to look at the social and economic consequences of the introduction of gaming machines, with particular reference to what extra funding might be required for Government and non-government agencies working with those suffering from gambling addiction or affliction. I concede that the terms of reference, if there was a majority view to go down the path of an inquiry, could equally be taken over by a select committee of the Legislative Council as an alternative. If members had a view in relation to that, we would need to determine whether there is a majority view to be able to establish (it would be difficult if not impossible to do it today) in the August session—

The Hon. Diana Laidlaw: Nothing is impossible.

The Hon. R.I. LUCAS: No, it is not; but it would be difficult, as everyone wants to head off. I put the matter on the record as there is a fundamental difference between the majority and minority views as to the effects of the introduction of gaming machines. In the end, I suspect that only some form of definitive study by a standing or select committee of the Parliament (I am not locked in concrete either way on what it is) may collect the evidence to find out whether the majority or minority view is right. If the majority view is right and the legislation passes (and it may well not) and we find an increase in the number of people suffering from problems, obviously the committee would find in that way and it would be up to the Government of the day (which may be a different Government from the current one) to take action in relation to the recommendations of a select or standing committee. That is something I would like members to consider and we can return to it later when I move an amendment or when we consider other options.

The Hon. M.J. ELLIOTT: In response to the Hon. Mr Lucas, one of the difficulties facing a standing committee or select committee is that it would need a statistical analysis and that it is something the committee would not be resourced to carry out. The figures the Hon. Mr Lucas quoted suggest that we have twice as many gambling problems in South Australia as in New South Wales. All sorts of things can be achieved with statistics unless the inquiry is carried out thoroughly. While there could be a reference to a committee, is there another option? We need some sort of resourcing to guarantee that detailed analysis is done.

The Hon. Diana Laidlaw: It could come from the poker machine fund.

The Hon. M.J. ELLIOTT: That might be a possibility. Will the Hon. Mr Lucas consider the analysis question because, without it, a committee's work would be somewhat limited—whichever committee is asked to do it. At this stage I have not formally moved opposition to subclauses (1) and (4) and there has been no indication whether or not other members have difficulties with them. I am worried that the gaming machine licence holder, having done the right thing in seeking to bar people, might find that, if the person got back into the area, which could easily happen, subclause (4) is a disincentive. As to subclause (1), I am not sure whether it is the right way to go to fine people who have an addiction problem and who are losing money hand over fist as it is. Are other members interested in taking this matter further?

The Hon. R.I. LUCAS: I agree with the first point made by the Hon. Mr Elliott that, irrespective of whether it is the Social Development Committee or a select committee, there would need to be a commitment from the current Government, if a committee were established, to provide appropriate resources for consultancies to the committee over and above what exists, say, for the Social Development Committee or the normal procedure of a research officer for a select committee. I agree with the comments he made. We would need a proper and validly based statistical analysis and that could be done through a consultancy to a committee. It is a common practice in committees in other States where consultancies are used, or a person in the Government with statistical analysis expertise to undertake that task could be used. I agree with that sort of suggestion and, with the lunch break coming up, perhaps the Minister can respond later.

The Hon. PETER DUNN: The Hon. Mike Elliott makes a good point about subclauses (2), (3) and (4). It is a matter of identification. How does the Minister intend to do that? In my former game as a cocky, I had to identify stock, and

there are now sophisticated methods of identifying people and animals. We could use an earmark, which would be permanent. A person would be permanently barred—but this would apply only to the Commissioner—or one could use an ear tag, although a large yellow ear tag would not go well with a green frock or a red suit and so that would not be suitable. There are now electronic methods of identification available. When there are many cattle they cannot all be individually named so they have to be identified in some other way. A method has been developed to implant a small electronic device subcutaneously in the skin of the animal and a gun is used for identification. Each animal has its own identification code. Perhaps the Minister or the Government have thought about this, but I cannot see any other way whereby the Commissioner can legally—

The Hon. J.C. Irwin: You could do it with cats.

The Hon. PETER DUNN: Yes, we have been trying to do it with dogs and cats. On a stud, it is important to mate the right male with the right female, otherwise up the spout goes the breeding program. So the same could apply to this. How will the Minister identify these people? How will the hotel or club owner identify somebody who has been warned off by the Commissioner? Will the Commissioner make a phone call to every pub and club in South Australia and say, 'The Hon. Peter Dunn has been warned off; don't let him in,' or will we give the person an ear tag or ear mark him or make him wear a certain colour suit, or will we be a bit more sophisticated and give him one of these implants that I have been talking about? How will the Minister identify them?

The Hon. ANNE LEVY: I think the honourable member has misinterpreted the clause; it is not the Commissioner who will be identifying anyone or barring anyone.

The Hon. Peter Dunn: It says 'the Commissioner'.

The Hon. ANNE LEVY: It doesn't; if you read clause 54 you will find that it is the licensee who, from his experience of a particular person whose face he presumably recognises, applies the bar. Any person who feels they have been wrongly barred can appeal to the Commissioner to have the barring considered. The Commissioner's role is merely that of appeal under this clause.

The Hon. Peter Dunn: The heading says 'Commissioner or licensee may bar excessive gamblers'.

The Hon. ANNE LEVY: The heading may be wrong, but if you read all the words of the clause you will see that—

The Hon. Peter Dunn: It says 'Commissioner or licensee may bar'.

The Hon. ANNE LEVY: The heading may be misleading.

The Hon. Peter Dunn: Why write such rubbish?

The Hon. ANNE LEVY: Well, I didn't. The lawyers, of course, write the Bills.

Members interjecting:

The CHAIRMAN: Order! The Council will come to order.

The Hon. ANNE LEVY: I am informed by a lawyer that headings do not form part of the legislation, anyway, and that it is the words under the heading that we are considering as part of the legislation. As indicated in clause 56, the Commissioner's role is as an appeal for someone who feels that they have been wrongly barred. So, the question of the Commissioner identifying people is not at issue.

The Hon. M.J. ELLIOTT: I found the comments on the ear tags, etc., quite amusing, but I think there is a way this will work to a limited extent. Let us take the example of a person who has a gambling problem. Gamblers may not admit to having a gambling problem, but their spouses are probably more than aware of it. They may have lost their house and car. This person can go to the bar manager—the licensee—and say, 'I would really appreciate it if my spouse

was not in the gambling area, because we have lost everything.' The licensee will make his or her own decisions but may decide to do the right thing, not by putting on an ear tag, but the spouse notices that the husband or wife still spends a lot of time in this gambling area, and could then report the licensee, who had done the right thing and barred the gambler. The spouse might go to the Commissioner and say, 'My spouse is there right now; you can catch up with the licensee.'

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.J. ELLIOTT: And then, of course, the licensee will be fined. The licensee might have tried to do the right thing by trying everything he could to discourage the person from coming in. Then the licensee finds himself being hit.

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: It is not my clause; the clause is already in the Bill. I agree with what the Hon. Mr Griffin says; it is to a large extent a feel-good clause, but I have no doubt that some people will try to use it in that way. As far as they try to use it, it will actually rebound against the licensee, who tried to do the right thing. They carry on about putting white stars on people, but this is not my clause. I am saying that this clause makes things even more difficult.

The Hon. BERNICE PFITZNER: Further to Mr Dunn's question, and before we put stars on people, I would like to ask: first, what are the criteria that we ought to use for barring a person, who decides that criteria, and who implements it? Secondly, subclause (2) provides that the welfare of the person must be seriously at risk. Who decides that a person's welfare is seriously at risk? Will it be the publican, or will there be a social worker especially for that area? I am most concerned about that. For example, if a wife and a husband have a disagreement and it is reported to the publican that her welfare is seriously at risk, is that taken into account? Who will check out the validity of certain statements?

The Hon. ANNE LEVY: I think perhaps an interesting analogy would be to consider the situation that applies at the Casino where, of course, we have had experience of gambling for the past six years. The Casino Act provides for the barring of people, and I am told that something like 400 people have been barred from the Casino over the past six years, not all for excessive gambling; they may have been barred for cheating or attempting to cheat or for other such reasons. However, a number of people have been barred from the Casino, including people whose relatives would have come and said, 'Look, we are losing everything because "X" is gambling excessively,' and in such situations a judgment is made, perhaps with backup from a medical practitioner and discussion with family members, to bar such people, where the initiative has been taken by family members.

It is not a situation of one person's word being taken against another: the situation is looked at as a whole, and a judgment is made. In such cases, if a mistake is made, there is always the avenue of an appeal by the person who may feel that they have been victimised by their family quite unnecessarily, and in such situations I think it is important that there should be an avenue of appeal. However, it seems to work well at the Casino.

The Hon. DIANA LAIDLAW: I have the Casino Act in front of me, and I cannot see any reference which equates to provisions in this Bill for excessive gambling. Certainly, under section 19 certain persons are excluded from the Casino. Subsection (1) provides:

The Minister may, on the recommendation of the Commissioner of Police or the Superintendent, make an order prohibiting a person named in the order from entering the Casino.

Perhaps there is some other provision that I cannot see as I look quickly through the Act, but it does not seem to provide any authority to the Casino to actually ban people on the request of a family member. Certainly there are rights of appeal, but I cannot locate the provisions in the Casino Act, as outlined by the Minister. Perhaps she could enlighten us more, but the more I look at it the more I think it should be removed from the Bill.

The Hon. ANNE LEVY: As I understand it, for the Casino there are two procedures. First, there is the procedure whereby the Casino, acting under the rules laid down by the Casino Advisory Authority, has the ability to bar people for a period of three months. Secondly, there is the section, which the honourable member read out, which talks about people being barred on the advice of either the Commissioner of Police or the Superintendent. The Superintendent is now the Liquor Licensing Commissioner. After the period of six years, the Superintendent is no longer: by transition, it is Liquor Licensing Commissioner. Under that section recommendations can be made to the Minister to bar people from the Casino, and they have always been followed after approaches by distressed families. It has occurred under that section.

The Hon. K.T. GRIFFIN: I guess I have to take responsibility for raising the issue in the first place and setting the hares running, but it is important to air the issue. Also, there is provision in the Liquor Licensing Act for the licensee, an employee of the licensee, the manager of licensed premises or a police officer to remove a person from licensed premises for something like 24 hours where the person is intoxicated or behaving in a disorderly manner. So, there is provision there. I was simply trying to highlight that there are considerable difficulties in the administration of this clause. That does not mean that I oppose it: it ought to be there, at least to provide backup for a licensee who believes that a person ought to be barred from those premises.

It is not a public place: they are premises which are owned by a particular person and for which a licensee has been granted a licence. So, it is not as though it is a public place from where we should stop people going: they are private premises, essentially, and the same applies largely to the Casino operation. Anyone can stop a person going into a shop or a restaurant if they do not want them there. So, there is that distinction. There may be circumstances in which this can be used, but it will not be as effective as at first view it might appear.

Having heard the Hon. Mr Elliott and other members, I do not intend to proceed with my amendment in relation to clause 54 (1) to increase the fine. I am persuaded that that will not achieve anything, although I still think that at least having provision for an offence provides an opportunity for a court, where a person comes before a court, to be placed upon a bond which sets conditions. If there is no such provision it means there is no opportunity to try to deal with excessive gambling. However, I do intend to persist with my amendment in relation to the licensee, which is the second amendment and which increases the fine from a division 7 to a division 5 fine.

Accordingly, I move:

Page 19, line 41—Leave out '7' and insert '5'.

The Hon. M.J. ELLIOTT: I will not persist with my proposed amendment to subclause (1). I will move an amendment that is exactly the opposite of the Hon. Mr Griffin's amendment. Rather than increasing the penalty, I think that a high penalty is a disincentive to a licensee in the first place banning a person who they believe should be

barred; they may come back in and be caught out. I think the heavy penalty against the licensee is a disincentive for them to do the right thing, rather than the other way around. For that reason, I move:

Page 19, line 38—Delete subclause (4)

The Hon. BERNICE PFITZNER: Is it a defence to a charge if a person is ignorant of the fact that another person has been barred?

There being a disturbance in the President's Gallery:

The ACTING CHAIRMAN (Hon. G. Weatherill): If there is any further comment from the gallery, I will have the gallery cleared.

The Hon. ANNE LEVY: The response to that is the interpretation of 'suffers or permits'. I think it is clear that, if someone suffers or permits someone who has been barred to come in, that means they are knowingly doing so; it is not a question of their not knowing that that person was barred and that they let them in. That would not be an offence. The offence is knowing that someone has been barred, being fully aware of all the facts, yet letting them in.

The Hon. Bernice Pfitzner: So it is a defence?

The Hon. ANNE LEVY: It would obviously be a defence that they did not know that that person was barred.

The Hon. K.T. Griffin's amendment carried.

The Hon. M.J. ELLIOTT: As a result of that vote, I will not now proceed with the amendment I just moved.

Clause as amended passed.

Clauses 55 and 56 passed.

Clause 57—'Interference with machines, equipment or games.'

The Hon. K.T. GRIFFIN: I move:

Page 20, line 20—After 'fine' insert 'or division 4 imprisonment'.

The next few clauses relate to offences involving cheating. This clause relates to interference with machines, equipment or games; clause 58 concerns sealing devices; clause 59 concerns sealing of gaming machines; and clause 60 concerns the removal of gaming tokens. They are all serious offences, which are matters related not just to the operation of machines but to questions of potential corruption. Even if that is not agreed, the former position—that they are still serious offences—would warrant the periods of imprisonment being provided as significant deterrents to those various aspects of cheating.

Amendment carried; clause as amended passed.

Clause 58—'Interference devices.'

The Hon. K.T. GRIFFIN: I move:

Page 20, line 26—After 'fine' insert 'or division 4 imprisonment'.

Amendment carried; clause as amended passed.

Clause 59—'Sealing of gaming machines.'

The Hon. K.T. GRIFFIN: I move:

Page 20, line 31—After 'fine' insert 'or division 8 imprisonment'.

Amendment carried; clause as amended passed.

Clause 60—'Removal of gaming tokens.'

The Hon. ANNE LEVY: The Hon. Mr Griffin, when discussing changes in penalties, mentioned clause 60. I do not have any amendment on file to clause 60. I wonder whether that was an oversight or a considered decision not to change that penalty.

The Hon. K.T. GRIFFIN: I do not know whether it was a considered decision. I do not think it was. Clause 60 provides:

A person other than a person acting in the course of his or her duties must not remove any cash or gaming tokens from a gaming machine.

The Hon. Anne Levy: It is serious.

The Hon. K.T. GRIFFIN: I think it is serious. There is another amendment later that I have overlooked. I move:

Page 20, line 35—After 'fine' insert 'or division 8 imprisonment.'

Amendment carried; clause as amended passed.

Clause 61—'Machines not to be operated in certain circumstances.'

The Hon. K.T. GRIFFIN: After having been through the Bill a few times and worked out amendments, I must have been getting tired. Clause 61 contains an offence serious enough to warrant imprisonment. I am sorry this amendment is not on file. I move:

Page 21, line 7—After 'fine' insert 'or division 6 imprisonment'.

The Hon. ANNE LEVY: Is this consistent with the other penalties?

The Hon. K.T. GRIFFIN: Yes, it is.

Amendment carried; clause as amended passed.

Clause 62 passed.

Clause 63—'Certain profit-sharing, etc, is prohibited.'

The Hon. K.T. GRIFFIN: I move:

Page 22, line 14—After 'fine' insert 'or division 6 imprisonment'.

The latter part of this clause is not of interest but the part that relates to profit-sharing is. One of the areas in which this could occur is where there is a trust. A trust is not a partnership. There are several forms of trust, for example, a unit trust, where one might have the company which is the trustee. That could be a licensee, but I have not really thought it all through. If it is a unit trust one can have perhaps a thousand units, each unit being held by some different person. That may then allow the company, as trustee, to conduct the business and profits will go into the trust and thus be shared.

It may also be that the company is trustee, but it is trustee of, say, a discretionary trust. Generally speaking, family trusts are discretionary trusts with the father, mother, children or grandchildren and other relatives all in the class of beneficiaries where it is a discretion on the part of the trustee to allocate the income and, for that matter, the capital, to various members of the class of beneficiaries. It is quite possible in those circumstances—in fact, inevitable—that all the beneficiaries will not be licensed. However, effectively there will be profit-sharing because of the way in which the trust is structured. Does the Minister believe that this clause is adequate to address the problem of profit-sharing in the circumstances to which I have referred?

The Hon. ANNE LEVY: I am told that the Liquor Licensing Commissioner would expect to have control by conditions attached to the licence in exactly the same way as currently occurs with a liquor licence. Currently, in these circumstances the conditions of a liquor licence will be that, if there is a family trust, a condition of the licence would be that any profit can be distributed only to beneficiaries A, B, C, D and E in such and such proportions and beneficiaries A, B, C, D and E have all been approved by the Liquor Licensing Commissioner before he will grant the licence with this condition attached.

He would expect to do the same for gaming machine licences where there is a discretionary trust. A condition of the licence would be that the discretion of the trust was limited in a particular fashion. I presume the same applies for unit trusts. Furthermore, the condition is that, if they wish to change that distribution, they must come back to the Liquor Licensing Commissioner and obtain his approval for any change.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

[Sitting suspended from 1.2 to 2.15 p.m.]

PAPER TABLED

The following paper was laid on the table:

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

Report of the Auditor-General pursuant to Section 32 of the Public Finance and Audit Act 1987—National Aboriginal Cultural Institute Inc., Tandanya.

QUESTIONS

UNEMPLOYMENT

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government, a question on unemployment.

Leave granted.

The Hon. R.I. LUCAS: All members in this chamber will share my alarm at the release of figures today which show that unemployment reached 12 per cent in South Australia in April. A total of 86 300 South Australians are now officially out of work. That figure does not include thousands of other people who have given up hope of finding work and who do not show up in the official figures. The South Australian total of more than 86 000 jobless is 4 500 higher than the March 1992 figure and means that during April (just one month) 150 South Australians were daily joining the ranks of the unemployed. Some birthday present for the Premier!

South Australia's unemployment level is now far and away the worst in the nation—a full 1.6 per cent above the national average. In the past 12 months the total number of jobs in this State has shrivelled by 21 400—nearly 60 jobs for every day of that period, or 400 jobs a week. However, despite the tragedy of the latest figures, the respected Centre for Economic Studies has warned that there is a good chance that unemployment in this State may still rise a further .2 per cent in coming months.

While obviously Federal factors have contributed to the high level of unemployment, the fact that South Australia's jobless rate is much higher than the national figure is indicative of problems with State Government policies. Many economists argue that we have 12 per cent unemployment in South Australia because repeatedly the Bannon Government has shunned essential economic reforms and has permitted this State to slide into financial stagnation.

The Hon. Diana Laidlaw: What about WorkCover?

The Hon. R.I. LUCAS: The recent fiasco with WorkCover is a perfect example of this weakness. The Hon. Ms Laidlaw must have read my question. There is no doubt that the Bannon Government decision on this matter will cost hundreds more jobs in South Australia. My questions to the Attorney are:

1. Does the Attorney-General accept that the Bannon Government must accept responsibility for the fact that our State's unemployment is significantly higher than all other States?
2. Does the Attorney-General concede that the Bannon Government's cave-in on WorkCover will only add to the level of unemployment in South Australia?
3. Does the Premier intend to fight for the abolition of payroll tax at next Monday's Premiers Conference and, if the Attorney-General is uncertain of the Premier's intentions, will he strongly lobby him to take that action?

The Hon. C.J. SUMNER: I have said publicly on a number of occasions that in my view payroll tax is a bad tax. It was introduced in the early 1970s as a growth tax for all the States in Australia, transferred from the Federal

Government. With the slowing down in economic activity and the decline in job growth that occurred over the past couple of decades generally in Australia, compared with the growth of jobs in the 1950s and 1960s, what was given to the States as a growth tax, because it was related to jobs, has not achieved the sort of growth that one might have expected. This is because there was not a general increase in jobs in the 1970s and 1980s in Australia, compared with the 1950s and 1960s. Payroll tax is now seen as a tax on employment. I accept that and I think that whatever can be done to remove payroll tax should be done. However, if one is to remove it because of the limited tax base that the States have, one must find some alternative to replace it.

As the honourable member knows, since the Commonwealth took over the income taxing powers from the States during the Second World War, the States' taxing base—their capacity to tax, their revenue raising base—not just for South Australia but the States generally, is not very great, and to a substantial extent we have to rely on the Commonwealth Government. That is why there is a continuing haggle between the States and the Commonwealth about adequate funding and methods of funding and, despite many proposals over the past couple of decades to resolve that State/Federal funding relationship, it really has not been resolved successfully.

We have had the Fraser proposals to apportion a certain amount of income tax revenue on a permanent basis to the States. We have had Bob Hawke's New Federalism scheme, which was a similar kind of proposal, to ensure that the States had a fixed proportion of income from the Commonwealth Government, but that fell by the wayside in the battle between Mr Hawke and Mr Keating, and whether it will be revived, and if so in what form, is something that will have to be considered at the forthcoming Premiers' Conference.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I do not know what view the Premier will take about payroll tax to the Federal Government; I think he shares my view that it is a bad tax and should be abolished if it can be. Before the honourable member interjects to say that Mr Hewson will abolish it with his GST, one has to embark on a debate about GST, which I do not intend to do. There is no point in abolishing payroll tax if, by doing that, we replace it with another tax that is not satisfactory.

Those are comments of a general nature relating to payroll tax, but I am on the record as having said that on previous occasions. More work has to be done in the nation not just about the respective taxing powers of the Commonwealth and State Governments but also the general alignment of powers and responsibilities for the delivery of services which the State and Federal Government have.

Mr Hawke embarked on that exercise and got caught up in the leadership battle. I hope it will continue because I think it is an aspect of microeconomic reform which is important for South Australia, and it should include consideration in my view of the taxing powers that the States have and it should include consideration in my view of doing away with payroll tax if some alternative can be found. I do not want to comment on WorkCover. Members have no doubt—

Members interjecting:

The Hon. C.J. SUMNER: Well, it was debated in this Parliament only a short time ago.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If honourable members think that what has happened with WorkCover will add to unem-

ployment, they are entitled to make that point of view if they wish. There is no doubt that reform to WorkCover is necessary; I make no bones about that, either. I think that WorkCover is necessary. WorkCover reform is necessary. There is also absolutely no doubt—and it has to be accepted by the community whether it is in the trade union movement or not—that South Australia cannot have a level of WorkCover premiums that is out of kilter and uncompetitive with WorkCover premiums that apply in other States, in particular our major competitors in Victoria and New South Wales.

That is a basic position that has to be adopted: South Australia simply cannot afford to have WorkCover premiums which are uncompetitive and out of kilter with WorkCover premiums in New South Wales and Victoria in particular, and action has to be taken by the Government to address that situation. The last attempt to do that, through the WorkCover legislation, which has just been debated in the Council, was not successful. The simple fact is that the Government must revisit and address that issue, and it must have a WorkCover scheme which, in terms of the premiums levied on employers in this State, is competitive with the situation in other States.

As to the question of unemployment, obviously unemployment in South Australia at the present time is at unacceptable levels; and it is at unacceptable levels throughout the nation. South Australia probably is feeling the effects of the recession more now than it did earlier in it. We were slower into the recession; we are now slower, I suspect, coming out of it. Obviously, factors relating to the Federal Government are the principal cause for the recession which has occurred. That has been fully debated in the public arena on previous occasions; no doubt international factors are operating as well, plus the general structure of the Australian economy, which everyone concedes has to be fixed up. There has to be restructuring and there has to be micro-economic reform. The debate really in the South Australian community, at least at the leadership and policy level, is about how one goes about that microeconomic reform and the pace at which one goes about it; whether one does it the way Dr Hewson has outlined, which I think essentially would be a confrontationist approach to it, or whether we accept the Hawke/Keating approach.

I make no bones about the fact that the unemployment situation is unacceptably high in South Australia, as it is in the rest of Australia. As I said, we came into the recession later and, I suspect, we are coming out of it later. In coming out of the recession the evidence certainly suggests that it is a sluggish recovery, as I think most people at this stage would concede, as is occurring in the United States and in some other nations. South Australia does have natural difficulties in economic terms. We are a relatively isolated State. We have to be part of that south-east corner of Australia which in itself is losing people. There does seem to be a shift in economic activity from the south-east to the north, and that population trend has been going on now for some two decades or so.

We have to try to make sure that our industry is competitive and that it is diversified to a much greater extent than it is now. Some of the things that the Bannon Government has done over its term of office have obviously been designed to achieve those objectives. Improving the economy in South Australia in the future will undoubtedly, as it has been in the past, be a hard slog. I think the Bannon Government has done a number of things for which it deserves credit, and I have no doubt that the Premier will shortly make another statement dealing with economic issues.

AUSTRALIAN FLAG

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the Australian flag.

Leave granted.

The Hon. K.T. GRIFFIN: The debates about the Australian flag and whether Australia should become a republic have, I think, as all members recognise, been quite heated over recent months. I think most people acknowledge that that heated debate will continue while Mr Keating persists with his proposals for change. The State Government has managed to avoid too much involvement in these issues, although the related issue of the change of the royal arms in the courts to the South Australian coat of arms did develop some debate recently. Only nine months ago there was a report in the *Advertiser* as follows:

The Premier, Mr Bannon, yesterday distanced himself from Labor Party moves towards republicanism by 2001. He said the moves were a distraction from what was needed to be done in the economy and industry.

My questions to the Attorney-General are as follows:

1. Is it still the South Australian Government's position that the current debate about republicanism is a distraction from far more pressing economic issues and would he agree that the current debate about the flag falls in the same category?

2. Do the Attorney-General and the South Australian Government support proposals to change the national flag, which consequently could result in the South Australian flag also changing, or do they consider that the Australian flag and our own State flag should remain as they are?

The Hon. C.J. SUMNER: This is an important issue, which has been placed in the spotlight by the remarks of the Prime Minister in recent times. However, I do not think it is an issue that can be avoided by Australia as a nation any longer. The South Australian Government has not considered it as a Government, so I cannot speak on behalf of the Government, as such. It is not a matter to which we have given attention. Nevertheless, the Labor Party policy in this area—at least on the question of whether or not Australia should be a republic—is clear. We adopted a Federal platform in favour of a republican Australia. My personal view is that we should, over time, become a republic. In fact, some decade or so ago I was responsible for moving a motion at a State Convention of the Labor Party in support of a republican Australia. One view that is taken is that whether Australia is a republic or changes its flag is something that does not matter all that much.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order! The Hon. Dr Ritson will have a chance to ask a question if he wishes.

The Hon. C.J. SUMNER: The Hon. Dr Ritson is getting involved in the details of what the constitutional structure might be after a republic has been declared. As anyone who has examined it knows, we can have a republican structure with basically the same constitutional structure as we have at present, whereby a president would replace the Queen as the head of State. We would then need a method of electing the president. That could be done—

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It would not be appropriate that it be someone appointed by the Government in that circumstance, of course. However, I think there are practices in other countries where presidents who are the constitutional head of state are not directly elected but are elected by the Parliament. I think that that is the case in Germany and it is certainly the case in Italy, where the President of

the Republic is elected by the Parliament. That is something that is possible—

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, the first step is: do we want a republic? I have no doubt in my mind, if the question is directly asked of me personally, in saying that I think it is desirable that Australia becomes a republic and that we change the flag. The reason I say that is not because I am anti-British, or anything of the kind, but I think Australia has suffered from a colonial hangover. We as a nation have suffered from a hangover from the Empire. There is a mentality, a psychology, in our nation that still sees everything which emanates from the United Kingdom and the British Empire as being the best. Therefore, in my view, we have had imperial blinkers on. Some people say that we are truly independent, and so on, but it is not seen that way and the psychology of the nation is not that way. If one looks at Australia's economic position in the world over a period of, say, four decades since the war, one sees that Australia generally has fallen down the rung in terms of the level of per capita income.

An honourable member interjecting:

The Hon. C.J. SUMNER: The honourable member interjects that it is not related to the flag or whether you are a republic. I think it is related, in the sense that, if that sort of thing is occurring despite the Governments that are in power—a Liberal Government for a period and a Labor Government for a period—then we have to look at the reason. Is it the economic policies or is it the way the people of the nation view themselves and whether they see themselves as independent, able to get out and sell Australia and its products in the world market?

The Hon. R.J. Ritson: Or whether they want to work.

The Hon. C.J. SUMNER: Sure, whether they want to work. The fact is that I believe we have a psychology which is a hangover from empire. We still see ourselves psychologically as a part of empire. So, we are protected, if you like, by Anglo-Saxon superiorities, by the British Empire, the United Kingdom, despite the fact that the United Kingdom ditched us economically 20 years ago, but we do not seem to have woken up to that. In my view we still have that sort of psychological attitude to the United Kingdom which is detrimental to Australia's own independence, its own development and, in particular, its capacity to deal with other nations aggressively.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: All that is a prelude to saying that I think symbols are important. They are important for Australia; therefore, it is something that ought to be debated. My own view is that we should certainly at some point in time, in the reasonably near future—and as far as the republic question is concerned, the end of the century is a reasonable target date—become a republic and we should change our flag for the sorts of reasons I have mentioned. I am not speaking on behalf of the Government, but I do support the proposals for a republic in Australia and I do support the proposals for a change in flag. That would probably involve a change in the South Australian flag as well.

ALP LOGO

The Hon. K.T. GRIFFIN: In view of the Attorney-General's acknowledged action 10 years ago in moving, at an ALP conference, a resolution to support a republic, and in the light of his expressed views in relation to the Australia-

lian flag, will he now be taking steps to encourage the ALP to remove the Australian flag from its logo and advertising material?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: No, Mr President, I have virtually no power at all—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —in the forums of the Labor Party. I am factionless!

HINDMARSH ISLAND BRIDGE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question on the subject of the Hindmarsh Island bridge.

Leave granted.

The Hon. DIANA LAIDLAW: I am advised that the Department of Road Transport has received from consulting engineers Connell Wagner the final detailed studies for the construction of the proposed bridge from Goolwa to Hindmarsh Island, and that the cost of the bridge has been determined to be within 10 per cent of the original estimate of \$6 million. Last October, the Premier announced that the bridge would be built with taxpayers contributing half the cost. Later, it was revealed taxpayers would be liable for the full cost up front with the developer, Binalong Pty Ltd, responsible for paying back its share upon the sale of land in the marina development.

In the meantime, I have established that there are a number of companies and individuals in South Australia who have debts owing to them amounting to hundreds of thousands of dollars in relation to work undertaken at the Goolwa marina site. These debts are in addition to the liquidation application brought by Austrust Ltd—owned by the SGIC—in respect to Westdorman Pty Ltd, another of the companies owned by the directors of Binalong Pty Ltd. This case was before the courts again last week. Understandably, those associated with the marina project on Hindmarsh Island who are out of pocket, and who have spoken with me about their plight, are angry and frustrated that they cannot get access to the money owed to them, whilst the Government is prepared at the same time to provide a benefit to Binalong Pty Ltd. I ask three questions:

1. Does the Government intend to release the Connell Wagner report and, if so, when?
2. Will he advise exactly the amount and terms of payment that have been negotiated with Binalong Pty Ltd for the repayment of Binalong's share of the cost of the bridge, and do the repayment arrangements relate only to the initial capital cost of the bridge (say, \$3 million) or do they include accumulated interest on Government borrowings?
3. If the Government insists on proceeding with this bridge development, what assurances have been negotiated (possibly with Westpac Bank, which I understand is the principal financial for the project), to ensure that taxpayers will recoup the 50 per cent contribution from Binalong Pty Ltd in view of the fact that the developer is known to have defaulted on moneys owing to South Australian companies and individuals for past work undertaken on the site?

The Hon. C.J. SUMNER: I will refer the question to my colleague and bring back a reply.

MITCHAM COUNCIL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about the Mitcham council.

Leave granted.

The Hon. I. GILFILLAN: The recently announced proposal for the housing subdivision of 150 hectares of greenfield site at Craighburn farm in the Blackwood/Belair area has caused widespread anger in that community. The proposal has been publicly supported by the Minister for Environment and Planning in another place and a special ministerial supplementary development plan signed by the Minister has been sent to the Mitcham council for comment. However, according to members of the Blackwood/Belair Community Association the subdivision plan fails to deal with a wide range of issues such as traffic congestion in the area, lack of suitable public transport, pollution of the Sturt River and the impact on the areas infrastructure through schools, community facilities, etc.

The land has been owned for many years by Minda Home which expects to sell the property for an estimated \$20 million, to be subdivided and eventually provide housing for more than 5 000 people. However, angry residents in the Mitcham council area claim the impact of such a large number of people on the community will be devastating. One example, they quote is the chronic traffic problems experienced in the Blackwood centre, through which most traffic in the area has to pass. The Blackwood roundabout already has 20 000 vehicles a day passing through and the first stage of the proposed Craighburn farm development is expected to add at least another 1 000 vehicles to that system a day, turning an already heavily congested road network into an almost impossible system of traffic chaos. Public transport in the area is appalling, in the opinion of the residents who consulted us, with a single bus service running through, mainly at peak times, with little or no weekend service.

The Minister for Environment and Planning has sent a special SDP to Mitcham council for comment, which is fair enough, but after keeping the council in the dark about the proposal until after it was announced and endorsed by the Minister, the council has been given only two weeks in which to reply. I am advised by senior staff (not in that council area directly), that a similar SDP requires at least six weeks to be properly considered. In the past Mitcham council has been opposed to any urban in-fill development taking place at Craighburn farm and I understand the overwhelming feeling among council now is to continue that opposition. The Council has requested an extension in time to properly prepare a response to the SDP because it feels that the Minister is attempting to pressure it into a quick answer in an attempt to hurriedly rush this proposal through.

Some council members in our communications have labelled the Minister's action as an insult to local government's involvement in the process of public consultation, which is touted by this Government and the Minister as being a desirable ingredient of such processes. My questions to the Minister are as follows:

1. Does she agree that the actions of the Minister for Environment and Planning in relation to the SDP process, in particular to the unacceptably short period of time (two weeks), are an insult to local government involvement and consultation and, if not, why not?

2. If the Minister does believe that there is cause for concern by the Mitcham council, will she intervene on its behalf with her ministerial colleague to ensure that the council's time for comment on the SDP is extended?

The Hon. ANNE LEVY: It does seem to me that the question asked by the honourable member relates to the portfolio of my colleague in another place, the Minister for Environment and Planning, and that his quarrel is with her, not with me. I will certainly refer the question to my colleague in another place and I am quite happy to discuss the issue with her, to learn more about the proposal and the processes that are being undertaken, but it is entirely a process within the portfolio responsibilities of my colleague, the Minister for Environment and Planning.

The Hon. I. GILFILLAN: As a supplementary question, does the Minister believe, recognising that she has not had a conversation with the Minister for Environment and Planning, that assessment of an SDP of this significance would normally require a council to consider it for more than two weeks before it passed comment?

The Hon. ANNE LEVY: I am not Minister for Environment and Planning. I am not familiar with the details as to—

The Hon. I. Gilfillan interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I am not familiar with the processes that are usually undertaken with regard to SDPs, be they regarded as major or minor, and I would need to discuss this with my colleague in another place.

OVERLAND TELEGRAPH LINE

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before directing a question to the Minister for the Arts and Cultural Heritage on the question of the Overland telegraph line.

Leave granted.

The Hon. CAROLYN PICKLES: I was dismayed to read in the *Advertiser* today in an article by Jenny Turner that the historical construction of the Overland telegraph line has been totally dismantled and will be completely destroyed by the end of this month. The old line will be cut up and sold for copper and the poles sold to anyone who wants them—mostly to nearby station owners for fencing. This line represents a great engineering feat, which opened up communication in our country. It is historical vandalism to destroy all trace of the work of our pioneers. My question to the Minister (and I believe it should perhaps be directed to the Minister for Environment and Planning) is: will the Minister urgently consider the retention of a small section of the line as a historical record of one of Australia's epic engineering achievements?

The Hon. ANNE LEVY: I will certainly be very happy indeed to refer that question to my colleague in another place, and I would endorse entirely the remarks of the honourable member as to the heritage value of the major engineering feat which the Overland telegraph line represented. It is the Minister for Environment and Planning and not I who is responsible for what is called the 'built heritage'. My responsibilities under the title of 'cultural heritage' refer only to what can be called movable heritage, so the built heritage—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The built heritage, which is normally taken to mean buildings of various types which have been constructed both in the present and in the past, would certainly include any man-made construction that is firmly fixed to the ground and not readily movable, as the Overland telegraph line was initially. So, I fear it cannot be considered part of my portfolio responsibilities, but I would

certainly be delighted to take up the matter with my colleague who has the appropriate responsibility, to see whether anything can be achieved.

STAMP DUTIES

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General representing the Treasurer a question on the matter of stamp duties.

Leave granted.

The Hon. J.C. IRWIN: Once again the Bannon Government has shown its contempt for those trying to live in the rural areas of South Australia. I will take an example already used by my friend, the Hon. Mr Dunn, where recently a farming property was sold at auction for \$110 000, which was not an acceptable valuation of land for the Stamp Duty Office, which valued the land at \$160 000 and demanded payment of the stamp duty on that valuation, not the sale price of \$110 000. This farming property was advertised for sale to the public at large in the usual manner and an objection was lodged on that assessment of \$160 000, but the assessment was not changed. There are other examples of revaluations and increased stamp duty demands that I could relate.

Why do we now find that ETSA may not have to pay stamp duty to the Stamp Duty Office for the Valuer-General's valuation of the ETSA property on Greenhill Road? The Department of Lands Director of Valuations, Mr Backen, revealed that the Valuer-General's valuation of this property was \$11 million. The Greenhill Road property was reportedly sold for \$5 million. On 6 May the *Advertiser* reported as follows:

The low sale price of the property means the State Government may miss out on about \$200 000.

They are referring to stamp duty. The article continues:

A spokesman for the Stamp Duty Office said yesterday the amount of stamp duty payable on properties was based on the value of the property or the consideration [sale price] figure.

My question is: will the Government refund and apologise to those who have been caught by having to pay the extra stamp duty, or will it be consistent and pursue the extra stamp duty in respect of the ETSA property sale, and not discriminate against country people?

The Hon. C.J. SUMNER: I do not know whether the honourable member has details of the transaction to which he refers, but I will refer the question to my colleague and have a reply forwarded to the honourable member. However, in the meantime, if he wants an explanation in relation to the properties about which he is concerned, he should make that known to the Premier and Treasurer or to the Minister of Finance, and they can consider them in the context of this question.

OSTEOPOROSIS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs, representing the Minister of Health, a question on the subject of health surveys in Port Pirie.

Leave granted.

The Hon. R.R. ROBERTS: Over the past seven or eight years the city of Port Pirie has conducted a lead decontamination program aimed at improving the living environment for the citizens of that city. Members would recall that the former Minister of Health, the Hon. John Cornwall, played a leading role in the establishment of the program. Over time the Government has expended considerable millions

of dollars on this program, which is now considered to be a world leader in that field.

In conjunction with the decontamination program there has also been a cohort study on children which has left people like the Port Pirie program manager, Mrs Cathy Phipps, and her team and indeed, the South Australian Health Commission, information-wealthy in the field of heavy metal contamination and its effects on children. I was recently approached by a constituent at Port Pirie, Mrs Judith Sherry, who has played a significant role in the setting up of the program. Mrs Sherry continues to follow and inform herself on the latest developments in the area of the health effects of lead and she has informed me that the latest research suggests that there is a connection between the incidence of osteoporosis and exposure to heavy metals in menopausal women. I understand it is suggested that exposure to lead accelerates the leaching process of calcium in the bones.

Mrs Sherry also informs me that a number of people are doing a survey on this subject, and has therefore suggested that it may be appropriate that a study of menopausal women in Port Pirie be conducted to obtain scientific data on this matter. Much of the infrastructure which would allow such a study is in place and I personally support the suggestion of the health profile of Port Pirie people, but also important information would be gleaned for Australian people and would be of worldwide significance.

Therefore, my question to the Minister representing the Minister of Health is: will he investigate further the possibility of utilising the existing infrastructure and the possibility of obtaining Commonwealth funding and/or State funding to conduct a study into the effects of heavy metals on the incidence of osteoporosis in menopausal women?

The Hon. BARBARA WIESE: I am sure that the Minister of Health would be sympathetic to the issues that have been raised by the honourable member, and I will refer his question for the Minister's consideration and ensure that a reply is given.

TANDANYA

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about the Auditor-General's Report and Tandanya.

Leave granted.

The Hon. L.H. DAVIS: The Minister for the Arts and Cultural Heritage tabled in this Council just 30 minutes ago a report on Tandanya as a result of allegations which were made in the Council and of concern which was expressed by a number of people some time ago about the financial position of Tandanya. When Tandanya was first established a Mr Peter Tregilgas was appointed as the first Executive Officer of Tandanya by the then Minister of Aboriginal Affairs, Mr Greg Crafter. That appointment occurred in 1988. At that time the Liberal Party criticised the appointment as being a blatantly political appointment which was made without any advertisement of the position.

Mr Tregilgas had enjoyed a long and close association with the Labor Party, and that appointment to a very senior position, without advertisement, at that time raised eyebrows not only in this Parliament but in arts circles. The Auditor-General's Report, which was tabled in this Council just 35 to 40 minutes ago, is political dynamite because it reveals extraordinary losses and an extraordinary trail of mismanagement. In the short time that I have had to examine this report I can see that the losses incurred as a result

of mismanagement included the Edinburgh trip, which cost \$79 000, the staging of the play *No Sugar* which had a net loss of \$59 000, and cafe operations, which had a net loss in 1989-90 of nearly \$58 000 and in 1990-91 of \$74 000.

In the Executive Summary of the Auditor-General's Report the following points are made:

Whilst the board did not 'formally approve' of the Edinburgh trip [undertaken by Mr Tregilgas], it accepted that NACI was committed to go to Edinburgh after being advised by the Chairman, Mr Copley, that it was 'locked in'. On all the evidence available I [that is, the Auditor-General] am of the opinion that the board was not 'locked in' and its members were misled into believing that they had no choice other than to endorse the trip.

The Director, Mr Tregilgas, exceeded his authority in entering into two contractual commitments associated with the Edinburgh trip. The board failed to discharge its responsibilities in not effectively monitoring the activities of Mr Tregilgas and taking corrective disciplinary action on matters where he acted outside of his authority.

Staging the play *No Sugar* was a material event incurring expenditure which was substantial and involving a number of contractual arrangements. In accordance with rule 9 of the NACI Constitution, such an event would be regarded as major or unusual and should have been authorised by the board. There is no such approval recorded in the board minutes.

On being advised . . . that the Director, Mr Tregilgas, had made a major financial commitment (to staging the play *No Sugar*) without board approval, the board failed in its responsibilities in not taking action to ensure that Mr Tregilgas did not exceed his authorities in the future.

There was also advice from the Auditor-General that the advice of dates of meetings was not always forwarded to board members in sufficient time to enable them to attend board meetings. In addition, there was criticism of Mr Tregilgas in that he did not take the initiative to ensure that appropriate accounting systems were developed to underpin external financial reports, and so on. There is no evidence to show that such initiative was pursued.

I have touched on only some of the matters that have been raised by the Auditor-General. They are grave matters and they have been highlighted in a document which runs to some 130-odd pages and which has been more than a year in the making. Quite clearly, in this particular matter, we have had the reckless use and abuse of taxpayers' money over a period of time, it would seem, according to the very comprehensive report of the Auditor-General. I wonder whether the Minister can advise what is her view of the Auditor-General's Report and, as a result of the serious statements that have been made by the Auditor-General and the obvious examples of mismanagement in many areas—actions taken without authority, loss of taxpayers' money—will she advise the Council whether the Government is considering laying charges against any of the persons named in the report?

The Hon. ANNE LEVY: The Auditor-General has certainly provided a very detailed report which, as one might expect from an Auditor-General, has a heavy emphasis on financial matters, financial reporting and accounting procedures. He certainly provides a great deal of detail, but I doubt that any reader of *Hansard* would find anything new in it. The allegations raised in Parliament and in the press over 12 months ago have had wide publicity and they are detailed in the Auditor-General's Report.

The Hon. Diana Laidlaw: They are facts, not allegations.

The PRESIDENT: Order!

The Hon. ANNE LEVY: The matters referred to in the Council have been investigated by the Auditor-General and he details complete financial implications of a number of these matters. As I said, I doubt that there is anything there that has not been referred to previously. However, it is the detailed examination of what previously had been raised only in general terms.

The Auditor-General makes it very clear that he is referring to the past and not to the present. He endorses and appreciates the fact that Tandanya now has a new constitution, a new board, a new director and a completely revised accounting and reporting system, and that it plays a very valuable role indeed in the promotion of Aboriginal culture and in providing much entertainment and enjoyment for the public of South Australia and both national and international visitors. I stress that the report relates to the past: it in no way relates to the situation at Tandanya at the moment. The Auditor-General makes it very clear in his report that it does not in any way reflect on the current situation at Tandanya, that a great deal of corrective action has been taken and that Tandanya is on a new path. He also makes it very clear that both I, as Minister, and officers of the department, took swift and appropriate action as soon as we became aware of the situation which occurred at Tandanya in the latter part of 1990 and early 1991. He endorses the actions which the officers took.

With regard to Mr Peter Tregilgas, the Director of Tandanya until 21 January last year, the Auditor-General makes no recommendation of criminal charges being laid. He certainly does not suggest that that course of action should be followed. I take this opportunity to deny categorically the assertion made by the Hon. Mr Davis that Mr Peter Tregilgas had a close association with the Labor Party. It is the first time I have heard that mentioned and, certainly as a member of the ALP, as those opposite are not—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —I am not aware of Mr Tregilgas having had a close association with the Party. I am sure all the members behind me can endorse that statement. I think we are more cognisant of what occurs in the Labor Party than are members opposite.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. ANNE LEVY: That is a typical smear statement. I do not quite know what is meant to be implied by it, but just in case such a smear—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. ANNE LEVY: —should get currency, in my experience it is not a true statement. I can assure members that the report makes no recommendations regarding criminal prosecution, police investigation or charges being laid. That is not part of the report.

Basically, the report is a summation of what was generally known and reported, giving more financial detail than was available at the time. It is a record of the past history and I would emphasise that the Auditor-General makes very clear in his report that it is an account of past history. In no way does it reflect on Tandanya at the moment with its new board, new constitution, new management and new directions. I am sure that all members in this Chamber will acknowledge that fact and wish Tandanya well as it continues, as it has done for over 12 months now, on its new path in which it is achieving a great deal of success.

REPLIES TO QUESTIONS

RESIDENTIAL TENANCIES TRIBUNAL

In reply to **Hon. K.T. GRIFFIN** (2 April).

The Hon. BARBARA WIESE: The matter to which the honourable member refers has been the subject of a long and involved investigation. I have received a report from the Chief Executive Officer of the Department of Public and Consumer Affairs which

contains the report of the Chairman of the Residential Tenancies Tribunal, the report of the tribunal member concerned, the report of the clerk who attended the hearing, correspondence from Mr Murray Willis, the complainant and the report from the officer who investigated the matter at my request, Mr Les Webb, Executive Director, Operations, Office of Fair Trading. Mr Webb's report contained records of interview with all relevant parties.

I have also asked the Chief Executive Officer and Mr Webb to provide a briefing to my colleague the Hon. K.T. Griffin and the member in another place, the Hon. Jennifer Cashmore. I understand that this has taken place. I have also replied to Mr Willis and am happy to provide a copy of my reply if required. In essence, this matter is the result of a difference of opinion; however, it is also the result of an administration error which should not have occurred. In my letter to Mr Willis, I outlined what I saw as a series of unfortunate events which, had they not occurred, would not have led to the situation arising.

First, Mr Willis should have been advised of the correct procedure in respect of the two premises. Secondly, the oversight should have been detected prior to the hearing and Mr Willis advised accordingly. The fact that this did not occur is regrettable and I and the Chief Executive Officer apologise for what was an unacceptable clerical error and the inconvenience caused. Having said that I add, not by way of excuse, but of information, that the staff deal with some 12 000 complaints a year, most of which are dealt with in a quick and effective manner.

There is some dispute as to whether, having lodged a complaint, Mr Willis should have been personally interviewed. Here I relied on the advice of the Chairman of the Residential Tenancies Tribunal. She advised, after receiving Mr Willis' correspondence and the report from the tribunal member (Ms McEvoy) and the clerk who attended the hearing, that she was satisfied that there were no grounds for recommending the dismissal of Ms McEvoy and that there was sufficient detail supplied in Mr Willis' correspondence not to require a personal interview.

Having now received the records of the interview with Mr Willis and his solicitor, statements from Ms McEvoy and the clerk, I do not think that they have added to the information which was originally put before the Chairman of the tribunal and myself. However, it may have been a prudent step to interview Mr Willis. As I have said in my letter to Mr Willis, what is clear to me is that I am presented with two opposing views from two people who feel aggrieved by each other's actions. Each has a different view of what happened and I suspect that the reality lies somewhere in between. The information supplied by the clerk who attended the hearing supports the account of the tribunal member more so than that of the landlord, Mr Willis.

What is obvious is that an enormous amount of time, effort and consequently resources have been spent on investigating and collecting information to address Mr Willis' complaint. What is also clear is that I have received no clearer insight from this than that which I had at the beginning of this matter after reading the submissions of Mr Willis, Ms McEvoy and the clerk. It is clearly a case of a difference of opinion about what people thought was said and what they have felt following on from that. That either party felt upset, insulted or aggrieved by the perceived attitude of the other is regrettable and perhaps the outcome, which was the adjournment of the matter to be heard at another time and as it turned out before another member, was the most prudent decision.

As I said earlier, this matter has been a protracted one. However, I have examined all the evidence and advised Mr Willis of the following:

- I do not intend to recommend to the Governor that Ms McEvoy be removed from the Residential Tenancies Tribunal.
- I do not intend to instigate or approve the instigation of any action against Mr Willis which may arise out of allegations of misconduct at the hearing.
- I do not intend to review this decision or to accept any further submissions either from Mr Willis, on Mr Willis' behalf, from Ms McEvoy or on Ms McEvoy's behalf.

WORKCOVER

In reply to **Hon. J.F. STEFANI** (31 March).

The Hon. C.J. SUMNER: The Minister of Labour has provided the following response:

1. The WorkCover Corporation is continuously reviewing operational procedures to ensure that the most effective processes are in place. This includes procedures dealing with the rehabilitation procedures. One of a number of issues reviewed to date has included the transfer policy. This policy has been reviewed to ensure that where a transfer takes place the pre-existing return to

work plan is not adversely affected by the transfer, and that administrative processing related to such transfer is minimised.

WorkCover's commitment to the role of vocational rehabilitation in the return to work process is based upon the following principles:

- worker's choice and worker's responsibilities;
- the active participation and cooperation of all parties in the rehabilitation process;
- the need for a return to work plan between the parties which remains the basic guide to each party's agreed responsibilities.

WorkCover endorses fast path transfer for workers who are dissatisfied with their rehabilitation process or need to relocate. If a worker chooses to change provider, the current return to work plan must continue to be the basis of ongoing rehabilitation services, unless all parties agree that changes are necessary.

If a worker becomes dissatisfied with the service he/she is receiving from the rehabilitation counsellor or provider or needs to relocate he/she has the right to transfer providers. The worker may enter into an internal grievance procedure aimed at facilitating reconciliation and continuing vocational rehabilitation with the provider.

If a worker enters into a grievance procedure with the provider, the onus is on provider management and the relevant rehabilitation counsellor to assist in resolving an injured worker's concerns or dissatisfaction, with reference to other parties (for example, the employer). The provider must issue the worker with a transfer form when the worker requests a transfer. It is expected the supporting systems and staff training functions will be completed for implementation by Monday 4 May 1992.

2. Injured workers may be referred to private rehabilitation providers (WorkCover contracted rehabilitation providers) in the first instance by any interested party who believes that the worker would derive benefit from the return to work assistance provided by those organisations. Interested parties who may wish to refer are the worker, their employer, doctor, health and safety representative, union representative, WorkCover case manager.

Employers of injured workers are particularly encouraged to make referrals. This is regarded as an important part of achieving an early and safe return to work. Employers are in fact encouraged to establish preferred provider relationships as a means of improving rehabilitation outcomes.

While an initial referral can be made from a variety of sources the rehabilitation provider must seek confirmation from the WorkCover case manager that the case has been formally assigned to them before commencing a return to work program. This enables rapid referral to occur whilst at the same time minimises the risk of over servicing.

In reply to the **Hon. J.C. BURDETT** (9 April):

The Hon. C.J. SUMNER: The Minister of Labour has provided the following response:

Assuming that the decriminalisation of prostitution resulted in the creation in fact, of an employer-worker relationship between a person engaging in the activity of prostitution and another (the employer) then the prostitute would broadly be covered by WorkCover for work related diseases and disabilities.

Claims for sexually transmitted diseases (including AIDS) and claims for diseases resulting from stress will only be accepted where it is found that there is a causal nexus between the particular condition and the employment.

There is provision in the Workers Rehabilitation and Compensation Act 1986 for the WorkCover board to consider and make recommendation to Government on the exclusion of specified classes of workers from the application of the Act. A recommendation to Government on the making of such a regulation may only be made subject to a unanimous resolution of the board.

This provision has already resulted in the enactment of regulations to exclude:

- workers employed to participate as contestants in a sporting or athletic activity; and
- particular owner drivers in the freight forwarding sector of the road transport industry.

WorkCover is currently also investigating the exclusion of particular ministers of religion and working directors of private companies.

Officers of the WorkCover corporation are aware of the possibility that this Bill may be passed. In anticipation of this, the corporation will identify and address some of the issues to be considered in the near future.

In reply to the **Hon. R.I. LUCAS** (14 April).

The Hon. C.J. SUMNER: The Minister of Labour has provided the following response:

1. The corporation has developed and committed resources to an ongoing competency-based training program which commenced at the end of November 1991 and will complete the core base modules at the end of November 1992. These mod-

ules are developed out of the legislative and case law requirements and take into consideration the community needs.

This type of leading edge training includes knowledge and skill base assessment using adult learning principles. These technical modules will be complemented by support skill modules that are TAFE accredited. This training along with a stringent recruiting program will develop a highly skilled and focused case manager who will deliver efficient claims management.

2. There are currently no case managers on stress leave, and in fact only one claim for stress by a case manager has been lodged in this current financial year. This involved 17 days off work at a cost of \$1 319.25.

ORGAN DONOR TISSUE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs, representing the Minister of Health, a question about organ donor infection with HIV.

Leave granted.

The Hon. BERNICE PFITZNER: Seven people in the United States have been infected with HIV after receiving tissue from a donor of organs found to be initially HIV negative. The donor was a 22 year old man who died 32 hours after being shot. His heart, liver and both kidneys were transplanted to four different people. Both thigh bones and a knee bone were further transplanted into another three people. All seven of these people have now been diagnosed as being HIV infected and three of the seven have died of AIDS. The possible reasons behind the HIV infection might be due to donors having an early stage of infection, which is not detected by tests. Dealing with the lag time between HIV infection and the conversion into its detectability in blood provides a challenge in blood organ and tissue donation. My questions to the Minister are:

1. In South Australia how many recipients have been HIV infected by donor organs?

2. What legal liability has eventuated from the infection and what policy is in place to prevent further liability?

3. What are the testing procedures in organ donation for HIV?

4. What improvements in testing methods used to screen are being investigated?

5. Will the Minister advise the Parliamentary Social Development Committee of this question and his answer?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring back a reply.

PASTORAL LAND

The Hon. PETER DUNN: Has the Minister a reply to a question I asked on 14 April concerning pastoral land?

The Hon. ANNE LEVY: The Minister of Lands has advised that, as pointed out by the honourable member in his question, once a public access route is declared under the Pastoral Land Management and Conservation Act, the lessee's rights under a pastoral lease over the land comprising the route cease and its care and control is vested in the Minister of Lands. Although the Government is not obliged under the Act to maintain a declared access route, the Minister has recently approved the establishment of a public access maintenance fund to reimburse lessees who carry out track maintenance work on the Government's behalf.

As a consequence of this, and in recognition of lingering concerns as to the liability of lessees who use the access routes for any subsequent claims arising as a result of their use of the access routes, the Minister has also agreed to indemnify lessees against any subsequent claims. This

indemnity will be similar to that extended by her colleague the Minister of Recreation and Sport to landholders over whose properties the Heysen walking trail passes. This has been available for almost five years.

In the case of public access routes over pastoral land the indemnity will be extended to every lessee over whose lease a route is designated. In some cases these will form part of an agreed plan of management of the access route between the Government and the lessee. In view of these initiatives, the Minister of Lands does not see any reason to amend existing legislation.

WILDERNESS PROTECTION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

STATE GOVERNMENT INSURANCE COMMISSION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

SUMMARY OFFENCES (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments Nos 1 and 2 and made in lieu thereof the following amendments to which the House of Assembly desired the concurrence of the Legislative Council:

No. 1. Clause 3, page 1, line 19—Leave out 'affixes a bill, poster or placard to' and insert 'posts a bill on'.

No. 2. Clause 3, page 1, lines 24 to 29—Leave out subclause (2) and insert the following subclause:

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

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

or

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

Penalty: Division 7 fine or division 7 imprisonment.

Consideration in Committee.

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

That the Council do not insist on its amendments but agree to the amendments made by the House of Assembly in lieu thereof. I will not take long in recapping the debate on this matter. I explained previously why I thought that the proposition that the House of Assembly had agreed to to penalise people responsible for distribution of posters, even though they did not actually put up the posters, was unsatisfactory. As a result of that, when the matter was last before us we removed the section that had been placed in the Bill by the House of Assembly. The clause placed in the Bill by the House of Assembly provided for some criminal responsibility to be imposed on the distributors of bills, posters or placards which were to be posted or affixed to some premises or other object. I thought that that had the capacity to criminalise purely innocent actions of people responsible for the distribution of such bills, posters or placards and thought that the clause, as originally inserted by the House of Assembly, was too broad. The reasons were spelt out when the matter was before the Committee previously. It was under-

stood that in taking out the clause there would be discussions informally to see whether some agreement could be reached on a new clause. Those discussions have now occurred and I have been involved in them.

An amendment to that clause has now been agreed to by the House of Assembly in lieu of the original one that it moved, and that is the matter before us presently. It tightens up the matters that must be established in order for distributors of bills to have criminal liability imposed on them. It still contains a reverse onus of proof but, if bills are distributed without lawful authority, the distributor of those bills, as opposed to the person who affixed them, can escape liability if the person proves that they did not foresee and could not reasonably be expected to have foreseen the likelihood that such bills would be posted unlawfully or that they took reasonable precautions to ensure that such bills were not posted unlawfully.

So, provided the person accused can establish one or other of those matters, they will not be guilty of the offence. I think that makes it fairly clear, and makes it much less likely that an innocent person would be convicted of the offence that is proposed.

In informal discussions, the concern was expressed to me that people who promote concerts or other activities really take no care whatsoever to ensure that those who are responsible for posting those bills and advertising those activities around the city are placing that material legally. The argument is that the promoter comes, gets a group of people—usually students—to distribute the posters and probably pays the students to do it and does not really care. They do not take any precautions and at worst they encourage people who are putting up posters to put them up all over the city, whether or not it is legal. That was the problem that was put to me. I do not know that this is an entirely perfect solution but I think that it is better than the one we had previously, and I think the likelihood that the driver and the sort of people I mentioned might attract criminal liability under the earlier House of Assembly amendment is now minimised.

In discussion I did raise the Victorian amendments which the Hon. Ms Laidlaw gave me and which provides more specific criteria for the accused person—the defendant—to prove but, although I actually favoured that approach, the people with whom I discussed it, who have the power in the House of Assembly (including the Liberal Party and Independent Labor members in another place) did not. Despite the fact that I thought the Hon. Ms Laidlaw's proposition from Victoria was reasonable, they did not think it was; I am sorry. So, if we want to accept this, we both have to give in and accept the proposition before us. I commend it to the Chamber. While not entirely satisfactory, I think it is a considerable improvement and should at least attack the problem that has been identified to me.

The Hon. DIANA LAIDLAW: I support the motion moved by the Attorney, and thank him for the work that he has undertaken and the personal interest he has put into this matter since the Bill left this place. I can assure him that he has restored my faith in Attorneys-General and legal officers, because I did feel very strongly in the debate in this place that every reason was being given to me as to why we could not do anything on a matter of community concern. It is apparent from this amendment that much could have been and can now be done. I would also say that he has pleased his local member (the member for Adelaide), who sponsored this amendment in the first place, because I suspect that it is principally in the electorate of Adelaide that this problem arises.

It occurs also in other places; I have seen those awful 'No Jap City' stickers all over Adelaide from time to time, indiscriminately placed on private property, and this amendment will be much more effective in addressing this issue of visual pollution. It will give the authorities more power to deal with the issue and it does also address the Attorney's initial concerns about the initial amendments being too flexible, too broad and possibly unwittingly hurting innocent people. I believe that, as with most conferences or discussion between Parties, we can often resolve these matters to the satisfaction of all, and I believe this is another such instance.

Motion carried.

STATUTES AMENDMENT (SENTENCING) BILL

The House of Assembly intimated that it insisted upon its amendment to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the Legislative Council do not further insist on its disagreement to the House of Assembly's amendment.

The simple situation is that we have retired hurt. The Government believed the proposition was justifiable, but, with the support of the Democrats and the Independent Labor members, the Liberal Party in another place thought that the amendment, which restricted the number of community service hours that could be waived to 10, was justifiable. The Government does not see it as a matter on which we should go to a conference and, for those pragmatic reasons, I have moved my motion so that we can resolve the deadlock between the Houses.

The Hon. K.T. GRIFFIN: I support the motion moved by the Attorney-General. In the scheme of the Bill I suppose one could say that it was not a particularly significant issue but, notwithstanding that observation, I think that when one looks at what was to be affected by the amendment, it involved the exercise of a ministerial discretion on which I certainly prefer to have some limit, particularly where it comes to the waiving of the community service hours. I think that what the Attorney-General has indicated in the circumstances and at this stage of the session is reasonable, and I am happy to indicate support.

Motion carried.

GAMING MACHINES BILL

In Committee (resumed on motion).
(Continued from page 4850.)

Clause 64 passed.

Clauses 65 to 67 passed.

Clause 68—'Payment of prescribed percentage of gross gaming turnover to Treasurer.'

The Hon. K.T. GRIFFIN: I move:

Page 26, line 5—Leave out 'Minister' and insert 'regulations'.

Clause 68 provides for the payment of a prescribed percentage of the gross gaming turnover to the Treasurer. I would have preferred that the prescribed percentage be set out in the legislation. That is the normal taxing provision, and I would regard this as a taxing provision. I had no idea as to what percentage would be appropriate; therefore, I took the view that the prescribed percentage in the definition on page 26 at the end of the clause should be fixed by regulation rather than by the Minister. If it is fixed by regulation, there is at least an opportunity for scrutiny by

the Parliament, but if it is a percentage fixed by the Minister merely by notice in the *Gazette*, there seems to be no way by which that can be reviewed other than by public comment, and I think that is inappropriate.

As I indicated at the outset, this payment required by clause 68 is effectively a tax, although it is dressed up under another name. I think that, with any measure which requires that sort of payment, there ought to be some sort of parliamentary scrutiny.

The Hon. ANNE LEVY: I oppose this amendment, and my main reason for doing so is consistency with the Casino Act. In that Act the percentage is determined by the Premier after consultation with the Casino people, and the Premier, as Minister in charge of the Casino, then has the power to officially determine the percentage. By analogy with the Casino Act, it would seem appropriate that the Minister have the same power as has the Premier under the Casino Act, but I am quite sure that the Minister would expect to negotiate or consult with the industry in exactly the same manner as does the Premier with the Casino before determining the appropriate proportion.

The Hon. K.T. GRIFFIN: I would see a clear distinction between the Casino structure and this, because this requires the holder of a gaming machine licence to pay certain amounts and, whilst the Minister says that she would expect the Treasurer to consult with the industry, it is very difficult to know how that will occur when this is to be fixed in relation to the holders of gaming machine licences.

There are really two branches: the licensed clubs and the Hotel and Hospitality Industry Association. One presumes that they will represent the interests of their respective members, but there is no guarantee of what will arise from that consultation. All I can suggest is that, in consultation with the Casino, there is a one to one arrangement only, where I think the Casino has a lot more clout than individual gaming machine licensees. Therefore, the consultation with the Casino may be more effective for that reason.

In respect of the Minister's response, I do not think it is necessary to maintain consistency on this particular point, that is, that prescribing the percentage in a regulation is the preferable way to address this issue, where so many gaming machine licence holders will, if the Bill passes, be affected by it.

The Hon. ANNE LEVY: I reiterate that I think the analogy with the Casino is accurate. Where the hotels and clubs are concerned, there are peak associations who can and do speak on behalf of all members of their organisation, and the process of consultation would be exactly the same. Perhaps I can also point out to the honourable member that in our legislation there is no provision for a different percentage being applied for hotels as against clubs. It is anticipated that it will be the same percentage turnover, which is the prescribed percentage.

In this respect our legislation differs from that of other States where, in some instances, a very different percentage has been determined for the two halves of the industry, on the one side the hotels and on the other side the clubs. There are bodies which can speak for all their members; they do represent them and consultation with them can occur quite readily and does occur on a whole range of matters. The Government has frequently consulted with the hotels association and with the clubs association, so there would be no problems whatsoever in this regard.

The Committee divided on the amendment:

Ayes (9)—The Hons L.H. Davis, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (11)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Majority of 2 for the Noes.

Amendment thus negated; clause passed.

Suggested new clause 68a—'Gaming tax fund.'

The Hon. DIANA LAIDLAW: I move:

Page 26, after clause 68—Insert new clause as follows:

68a. (1) From the total amount paid to the Treasurer pursuant to section 68 in any financial year, an amount to be fixed by the Minister from time to time (but being not less than 1.5 per cent of the gross gaming turnover in that year of all businesses conducted pursuant to gaming machine licences) must be paid into a fund to be established at Treasury under the name 'Gaming Tax Fund'.

(2) The Minister will from time to time apply the money in the Gaming Tax Fund as follows:

(a) as to two-thirds—to such organisations as the Minister thinks appropriate being—

(i) organisations that assist persons addicted to gambling or that assist the families of such persons;

and

(ii) organisations that have, in the opinion of the Minister, been adversely affected in their fundraising activities as a result of the operation of gaming machines;

(b) as to the one-third—for the purposes of the promotion of tourism in this State.

This amendment to establish a gaming tax fund is very important. One of the major criticisms of this Bill in the public arena is the fact that this measure is being used so blatantly as a Government revenue raising measure. As we have discussed from time to time, there is no question about the fact that this State is reeling under the weight of considerable debt and many failed or mismanaged Government enterprises. There is no question about the fact that the Government is in desperate need of additional funds, and nor is there much doubt, in my mind at least, about the fact that the Government will be the big winner if this legislation passes.

It is of interest to me that all other gaming legislation in this State—under the State Lotteries Act and the Casino Act—and all gaming Acts in other States, requires that a proportion of revenue generated from gaming practices be dedicated to some community purpose. The State Lotteries Act provides that the funds go to the Hospitals Fund and to the Sport and Recreation Fund. Since 1977 I understand that \$475.70 million has been generated through the Lotteries Commission for the Hospitals Fund in this State—and last year alone the figure was \$76 million. One cannot claim that the lotteries fund is ensuring that we have the high quality of health care we would like in our public hospital system, but certainly it is new money that is being allocated from gaming activities to an important community project.

Let us look at the Casino Act. In an answer to a question that I asked on 18 March, the Minister of Tourism indicated that she was not in favour of any dedication of funds from a Gaming Machines Act to tourism, in particular, because she said it was modelled on the Casino Act and the hypothetical question was not addressed in the Casino Act. That is not correct. Very specifically, clause 20 (5) of the Casino Act provides:

The Commission shall pay moneys paid to it in respect to the operation of the Casino as follows.

(a) an amount that is not less than one per centum of the net gambling revenue of the Casino must be paid to the Housing Improvement Fund;

(b) the balance of those moneys, if any, must be paid into General Revenue.

In other States—Victoria, Queensland and New South Wales—the Parliaments have required that a proportion of

funds be allocated to various community projects. Perhaps the most extensive list is provided in the Victorian Gaming Machine Control Act 1991. Under that Act the funds are distributed to sport and recreation, to community services, to the arts—which would be rather pleasant in this State—and to the Victorian Tourism Commission. I am aware that the Minister, in addressing this Bill, has spoken at length about the impact of the Victorian legislation in this State and, in particular, on our border towns. I find it a bit disappointing that the Government and the Minister, in particular, have been so selective in looking at the Victorian legislation and that they have overlooked this important part of hypothecation of funds for various community purposes.

It is my understanding that the Government is not sure how much money will be generated in terms of gross gaming turnover—let alone returns to the Government. On the radio this morning, the Minister of Finance was suggesting that the figure could be anywhere between \$25 million and \$50 million. So, my suggestion of a gross gaming turnover of \$15 million is appropriate. When related to the community projects that I have nominated and to tourism, it could mean that a pool of anywhere between \$9 million and \$15 million would be available for those activities. If two-thirds of that pool went to community organisations to assist people who are addicted to gambling, or to assist their families or the organisations that have been adversely affected in their fundraising activities because of these gaming machines, it could mean anywhere between \$6 million and \$12 million for those purposes, and anywhere between \$3 million and \$5 million could be used for tourism promotion in this State.

I know that there are mixed feelings about the hypothecation of funds. Certainly, in relation to road transport, over the past nine years we have seen the Government severely decrease the amount of funds going to the Highways Fund and returned for road construction and maintenance purposes. However, at least where there is a hypothecation situation people can easily judge what a Government is doing in terms of returning funds. In the case of the Highways Fund it is the motorists who are paying a form of tax that is returned to the roads. I believe that in respect of the precedent that has been set in all other gambling legislation in this State and interstate, it would be wise to see funds returned to those community projects and used for tourism. Hypothecation is an important element in this arrangement.

It ensures that we can see what the Government is doing honestly about its commitment to those community purposes, and how much it is applying to those purposes from year to year. The issue of people addicted to gambling was discussed earlier by the Hon. Mr Lucas, who foreshadowed a possible motion for a select committee or a reference to the Social Development Committee. Figures produced in 1982 when the select committee looked at the Casino Act suggested that .7 per cent of the population could be deemed to be compulsive gamblers. That figure may have increased or decreased since 1982, but it is hard to know.

Many of the organisations and people who have written to me about this matter are concerned about people who are compulsive gamblers. Whilst I cannot accommodate all they have asked of me in respect of this Bill, we as a Parliament should recognise their agitation about this Bill and their predictions that their scarce resources will be stretched even further as a result of this Bill. I am keen to see this Parliament recognise those concerns and to ensure that we do not just tolerate this influx of money to State coffers without knowing how it will be applied. There is no

greater need in the State development area than to promote tourism. I know that the former Minister of Tourism would agree with that very strongly.

The Hon. Barbara Wiese: I am not the former Minister of Tourism. I am the Minister of Tourism who has stepped aside for a short time.

The Hon. DIANA LAIDLAW: The 'stepped aside' Minister of Tourism has fought hard for additional funds for tourism in this State—and she has needed to, because our State is well behind what other States are putting into their tourism activities. Recent figures produced by the Australian Bureau of Statistics indicating the low occupancy rate of hotels and motels in our State and showing how we have fallen behind in the last quarter compared to the increases experienced in the other States, and also figures put out by the Australian Bureau of Tourism Research all highlight the fact that we must lift our game in this area.

A lot of money has been invested by the Government and by private individuals. In tourism we have great infrastructure: we must now go out and actively promote to ensure that our infrastructure is maximised. If we succeed in doing that, we will generate many jobs that are so desperately needed in this State, as the Hon. Mr Lucas noted earlier when he said that we have just recorded a national high of 12 per cent in terms of unemployment.

Tourism will help us generate those jobs, and I respect the work that has been done by senior players in the tourism industry in this State, not only in pushing this issue of gaming machines in hotels and licensed clubs but pushing just as hard for a proportion of the funds generated by gaming machines to go to a fund for the specific promotion of tourism. I believe that this amendment is important. It recognises some of the winners and losers from this legislation, seeks to accommodate the main representations we have received and does not let this Parliament (in terms of accountability) simply allow the additional funds generated by this measure to go aimlessly into General Revenue without any of us having any knowledge of how that money is to be spent.

The Hon. M.J. ELLIOTT: I have an amendment on file which I will not be pursuing. I had a brief discussion with the Hon. Ms Laidlaw earlier and, with a conscience issue, it is hard enough handling one relatively complicated amendment without having two which overlapped each other considerably. In some areas there were differences, so we tried to accommodate each other's differences as best we could in the amendment put forward by the Hon. Ms Laidlaw. It was my original proposal that there be a levy of 2 per cent of the gross gaming turnover and that that money be split evenly between organisations who were assisting people addicted by gambling, and also their families, and those organisations that had had their fundraising significantly hampered by gaming machines. There will be a number of those, and many of them have worked in charitable areas in the past.

The Hon. Ms Laidlaw's amendment really picks up those groups and allocates 1 per cent in total to those and .5 per cent to a purpose I had not considered, namely, tourism promotion. It is something of a compromise, but we probably need to go that way to get something sensible to debate.

The concept of hypothecated taxes and charges is something that groups such as SACOSS have been pushing strongly for some years now. What we are looking at here is, if you like, new money for the Government. If new money is being taken by hypothecation, it can be seen precisely where it is going. Moneys raised by gambling have gone into hospitals, and I do not think in a very clearly identifiable way. In effect, they have just replaced moneys that other-

wise would have come from general revenue. Theoretically it looks fine: in reality it is another way of raising money. Because we were told it was going to a good purpose, that is, hospitals, the whole thing seemed justified. In this instance, one would hope and expect that it would be money used for a purpose which is identifiable to begin with and, in most cases, actually providing something that was not previously provided.

This State provides no direct assistance to people who are affected by gambling. I have asked questions in the Chamber previously and the Government does not consciously give any direct assistance to people afflicted, even though gambling has been the fastest rising source of revenue for this Government. Since 1972, gambling revenue has increased by 2 000 per cent. That is quite a dramatic increase and most of it has occurred in the past six or seven years. The introduction of gaming machines, if it succeeds, will cause a further dramatic rise.

It is arrant nonsense for the Hon. Mr Lucas to suggest that we will not have more people hurt by this. All sorts of games can be played with numbers and statistics. He suggested, from surveys he had seen, that there are 4 per cent of addicted gamblers in South Australia and only 2 per cent in New South Wales. I suppose the logical conclusion is that gaming machines actually reduce addiction. That is good to hear and is a rather positive sign for our State. However, nobody realistically believes that. It would be unrealistic to believe that everyone likely to be addicted to gambling is addicted now. Every form of gambling provides a different type of buzz. It works differently, and people who are not susceptible to being addicted to horseracing may be susceptible to some other form of addiction.

International studies have shown the way gaming machines work, with their instant returns and instant buzz, unlike buying a lottery or X-Lotto ticket where you have to wait hours or days for a result. With a gaming machine, the gambler will push buttons, and within a couple of seconds will be pushing buttons again and again. That form of instant gratification has the capacity to produce addiction in some people.

There is ample evidence to support that. Anyone who suggests that there will not be more victims has to be kidding themselves. No reasonable person would suggest otherwise. This amendment is the amendment that she would rather not have—she would rather not have the Bill. Recognising that there are victims of gambling in South Australia, for us not to give back some of the money in some way is wrong and immoral. What a heck of a way to get it back—by way of charity! That is not how we would like to see things happen. The Government has been involved in a grab for easy money. I am sure that it will resist this vehemently and suggest that it is outrageous. To grab the money is outrageous, and I would be asking for a lot more of the money to be hypothecated if I had my way.

The Hon. R.R. ROBERTS: I oppose the amendment with a little reluctance as I for one advocated around the State that there be some hypothecation of funds to local government. However, on reflection I would agree with all the arguments put forward by the Hon. Diana Laidlaw and the Hon. Mr Elliott in respect of the validity of different sections of the community that have claims. However, I did not pursue my own amendment for local government as it was quite clear from the number of approaches and amount of lobbying that has gone on that one could make a list of about one dozen very worthwhile organisations that ought to be funded.

That is not to detract from the argument put with respect to Gamblers Anonymous. Those people deserve to be funded

and it is important that they are. Tourism is also an important section of the community in South Australia and deserves as much support as it can get. One does not decry that. The victims of families also deserve support. By opposing this proposition I do not see myself as denying those people the right to enjoy the accommodations made with regard to their circumstances. I have had some experience of hypothecation or fixed percentages. I have a background in the trotting and racing game, and I have seen what happens with hypothecation and fixed percentages. It turns on the method of distribution and not always is the best system employed.

The proceeds of gambling ought to go into consolidated revenue. Every Minister in every portfolio will have an opportunity to put forward his or her case on the allocation. It is the responsibility of the Government of the day, and it is the province of deliberations from time to time by Lower House members. It is directly its responsibility. Tourism is very important, as are hospitals, schools and a whole range of things. It is the responsibility of Government to do this and I suggest that the comments being recorded here today are very worthwhile. They will be on the record for all Ministers and the Government to see when it does its allocation of moneys from consolidated revenue at budget time. It is a worthwhile project. However, I cannot support the amendment on those grounds.

The Hon. ANNE LEVY: I oppose the amendment with the utmost seriousness. As has been mentioned by a number of people, this is a question of hypothecation of revenue received from particular sources. The principle of hypothecation is that it should be allocated to a particular source.

Governments should have the ability to determine where the resources which they are getting will go. That is one of the essences of government. No government ever has the amount of resources that it would like, and priority must be determined and resources allocated accordingly. In fact, that could be regarded as the basic business of government. Apart from that philosophical approach, which I may say is endorsed by a great number of people, there is the question of the practical effect of hypothecation. As has been mentioned by the Hon. Mr Elliott, hypothecation, done with the very best of motives, does not necessarily have the effect that the movers intended. It is always possible for moneys to be allocated to a hospital fund. That fund is not sufficient for hospitals, so further Government resources have to be found, and the amount which is found is decreased by the amount which is in the hospitals fund. In other words, the motive of hypothecation does not necessarily succeed to the extent which is wished in that those sums have to be subtracted from other resources.

Mr Stan Evans, the member for Davenport in another place, who opposed a similar motion when this measure was before the other place, said that governments do need to have the flexibility to apply the tax dollar where they see the greatest need. It also follows that one cannot have money automatically flowing to a particular charity or area, regardless of relative needs. Indeed, it is laudible that members in this Council and elsewhere are concerned about the effects of addiction to poker machines on some individuals, particularly on the families and dependants of those individuals.

One can take the view that, if people wish to choose their own road to hell, that is their business but, as a society, we need to be concerned about the effects that such choices that people make can have on the families and dependants on such individuals who do rely on them. In this respect, perhaps because of my sex, I think particularly of the families, the women and the children, who will suffer—if they

do—from the introduction of poker machines. I share concerns regarding the effects that may occur to a small number of individuals—and I stress a small number—but nevertheless for these individuals, the effects may be very severe, and that on their families likewise.

In terms of the hypothecation, the Hon. Ms Laidlaw has suggested that it will benefit tourism as well as organisations who assist people addicted to gambling, or assist the families of such people, and also organisations that have been adversely affected in their fund-raising as a result of pokies in this State.

I certainly take issue with her in mentioning tourism. I realise she has a particular interest in tourism, being the shadow Minister, but I can assure her that her interest in tourism in this State is no less than that of the Minister of Tourism. As the Minister for the Arts and Cultural Heritage I am very concerned about the arts in this State and I might well ask why the arts should not get some money, if hypothecation is flowing about. The Hon. Mr Roberts has mentioned local government and, as Minister for Local Government Relations, I have a particular soft spot for local government, and I could well join with Mr Roberts in suggesting that some of the hypothecated money should go to local government. I think it is quite arbitrary, if we start picking particular areas, as to which should be picked and which should not, and I suggest that merely picking tourism is perhaps showing a particular bias in the interests of the mover, not necessarily that which would be adopted by the community as a whole, if the principle of hypothecation was accepted.

One major objection to the proposal that has been moved is its practical financial implications. I know the Hon. Ms Laidlaw mentioned that there is some degree of hypothecation in other gambling legislation, but in each case it is hypothecation of the revenue received by the Government. What the Hon. Ms Laidlaw is suggesting is a proportion of the total turnover, which is very different from a proportion of the Government revenue. We do not know what the total turnover will be, nor do we know what the Government revenue resulting from it will be at this stage, so all we can do is perhaps look at New South Wales, which has the greatest experience of poker machines, having had them for very many years. On the basis of the turnover in poker machines in New South Wales and applying that on a per capita basis to South Australia (realising that our population is much smaller than that of New South Wales), the 1.5 per cent of turnover would represent about \$16 million to \$17 million a year.

The Hon. Diana Laidlaw: At the maximum of \$1 billion turnover?

The Hon. ANNE LEVY: This is on the basis of the turnover that occurs in New South Wales being translated on a per capita basis to South Australia. It may or may not be accurate when applied to South Australia, but New South Wales is the only State with extensive experience of poker machines from which one can attempt to draw analogies. This is a huge sum to suggest. Two-thirds of this money (about \$11 million) going to organisations that assist people addicted to gambling and their families, and organisations that have perhaps been adversely affected in their fundraising is an enormous sum of money to be devoted to these areas, particularly as everyone agrees that the number of people who will be addicted to gambling is not large.

People have mentioned figures such as .7 per cent, 2 per cent and 4 per cent of the adult population, but nobody is suggesting anything like 50 per cent or 80 per cent. We are talking about small percentages even though we do not know what the actual figure is. More than \$11 million is

an enormous sum to be devoted to this cause. One-third for the purposes of promoting tourism would be about \$5 million to \$6 million, which again is an enormous sum being hypothecated for one particular activity. Worthy though it may be, other activities undertaken by the Government are equally worthy and deserving of assistance.

I appreciate the difficulties that some small numbers of individuals and their families may have. The Government is fully cognisant of those concerns and shares them. I have been authorised to indicate to the Parliament and to the people of South Australia that, should this legislation pass and poker machines be introduced into South Australia, the Government is happy to make a commitment, in the first full year of operation of poker machines, to provide extra funds to the Family and Community Development Fund to counter the effects of their introduction.

For those who do not know, the Family and Community Development Fund is distributed according to the recommendations of the Family and Community Development Advisory Committee, chaired by the Rev. George Martin. That committee makes recommendations for funds to be provided to a wide variety of community organisations—about 170 in all. The Government will commit itself to providing up to \$2 million, if necessary, to the Family and Community Development Fund to be distributed on the advice of the Family and Community Development Advisory Committee to all organisations which have an extra work load or extra demands put upon them as a result of the introduction of poker machines.

I am sure that people will appreciate that this will not necessarily apply to all of the 170 community groups which presently receive development funds—groups like the Over 60s Radio Association and others on which poker machines would not be expected to have any effect. However, for any organisations that the Family and Community Development Advisory Committee recommends extra funds because of the effects of poker machines, the Government will make available for distribution up to \$2 million.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: We would make the commitment for the first full year of operation, and obviously after that the situation would have to be reviewed as to the effects. It would not just be a one-off matter: it would be reviewed in the light of the experience in that year. I hope that this commitment on behalf of the Government will reassure people that the Government does have concern for the families of people who, unfortunately, may become addicted to gambling as a result of the introduction of poker machines. We are not indifferent to the plight of the families of those people, and we fully realise that extra assistance may be required; we are prepared to offer it in this manner.

A further matter which I should raise is in relation to discussion at an earlier stage as to whether the social effects of gambling should perhaps be looked at by a committee of this Parliament, either the Social Development Committee, which is a standing committee of the Parliament, or by a select committee set up for this purpose. The Government agrees that this is a serious matter, which should be looked at by a committee of the Parliament, and I understand that suggested terms of reference for such a select committee are being considered by a number of people, particularly to look at the effects on people's gambling addiction and the introduction of poker machines, and the social and economic consequences that result from gambling addiction.

If this gaming machines legislation passes this Parliament, I can undertake that the Government would be very happy to support the establishment of such a committee, and it would indeed be happy to move the motion for its estab-

ishment. In any event, the Government would be quite happy to support its establishment if someone else would like to move for the establishment of a committee of this Parliament to examine the question of gambling addiction and its social and economic effects, particularly as a result of the introduction of poker machines.

I further indicate that, were a select committee set up, we would take the point raised by the Hon. Mr Lucas earlier in the debate that the committee would require resources beyond that usually available for select committees. We feel confident that, were such a select committee to be set up, the Government and its chairperson would be happy to discuss the resources needed to enable such a committee to function adequately realising that statistical work, research and perhaps the use of a consultant would be required for such a committee to adequately undertake the task which would be assigned to it. The Government would be happy to discuss the resources necessary as it recognises that it would need resources over and above those that are normally allocated for select committee work.

I hope that the two measures I have indicated will reassure members and the community that the Government has a concern for the families and community organisations which might be affected detrimentally by the introduction of poker machines. We maintain the position that it is because of Government concern and interest and the concern and interest of members of Parliament and of the community at large that these resources should be allocated and that this is the correct way to do so rather than by hypothecation as suggested in the amendment moved by the Hon. Ms Laidlaw.

The Hon. R.I. LUCAS: The appropriate Government Minister might be in earshot and I think that, along with me, a number of other members would be keen to have a more specific response than that given by the Minister handling the Bill in this Chamber, although I understand her difficulties, in relation to what the Government intends by its measure of up to an extra \$2 million in the first full year. I support increased funding in that area. However, I would have concern if it were a one-off option and that funding disappeared in the following year. Given that there is likely to be more debate on this new clause, some clarification could be sought from the appropriate Minister about this issue of funding. If there is to be an extra \$1.5 million or \$2 million for the first full year because of a designated need that is established by this Family and Community Development Advisory Committee, there ought to be a commitment that, once a level of funding is designated, it be ongoing on a recurrent basis. That was the question raised by the Hon. Mr Griffin. I would be concerned if it were decided to provide it in the first year and then it was to disappear in the second year or to be phased out over two or three years.

The Hon. ANNE LEVY: I can clarify that point now. It would be ongoing funding. When I suggested a review I meant that it is a question of reviewing the amount that is shown to be necessary. The Government is committed to providing up to \$2 million, if necessary, in the first year. The provision would be ongoing but the amount would need to be reviewed in light of the need that was demonstrated by the experience of the first year.

The Hon. R.I. LUCAS: I turn now to the amendment and to the general proposition that was raised earlier about the possibility of some ongoing study. I have a view on this legislation and I am comfortable with that view, but I understand the concerns of some members and those of the community. The proposition I flagged earlier was that I might move an amendment for an ongoing monitoring role.

If the legislation is successful and poker machines are introduced, perhaps the Social Development Committee might have an ongoing monitoring role for up to three years to look at the effects of the system. I am comfortable in my own mind as to what I believe the effects will be but I know that there are differing views in Parliament and in the community. Obviously on a conscience issue no one member can speak for anybody else, so I do not know the majority view in this Chamber, but in subsequent discussion it appeared that, if there was to be a body that did ongoing monitoring if the legislation was successful, other members thought that a more appropriate forum would be a select committee of the Legislative Council.

A view that was also put to me by two or three members through the luncheon break—and as I said I have not had the opportunity, other than in the contribution I made this morning, to flag to members my thinking on this matter—was that, if we were looking at ongoing monitoring for gaming machines if the legislation was successful, there ought to be a term of reference for the committee to look at the overall effects of gambling in the community, not just poker machines but casinos and so on—something along the lines perhaps of measuring the extent of gambling addiction that exists in the community and the social, economic and other consequences that might result from that. If it is to be a select committee or the Social Development Committee, given that perhaps there is likely to be six to 12 months—and I think the Government thinks it might be only six months before—

The Hon. Diana Laidlaw: It wants the money.

The Hon. R.I. LUCAS: Yes, the Government wants the money. Given that it is likely to be six to 12 months before it is established, if there is to be a committee, the early work of the committee might well be able to establish, with the assistance of statisticians and others, a baseline in the community for gambling addiction; and I guess that in two years of whatever we might be, unlike any other State (I am not sure), able to measure, other than by guesstimate, what the effect had been, and whether what I concede is my minority view is closer to the mark or whether the majority view in the community and perhaps in the Parliament is closer to the mark, and that there has been an explosion in gambling addiction and social devastation as a result of the introduction of gaming machines in South Australia.

That is for debate at a later stage. The Minister has indicated a position; I have indicated my position. At this stage I am not moving anything: it is something to be debated if and when we have to. If the legislation is unsuccessful, we can talk about the issues in another context. Various members may have different views on the issue if the Bill passes or does not pass. It is up to individual members to make their own decisions in accordance with their conscience.

I refer now to the proposed new clause which my colleague the Hon. Diana Laidlaw has moved with the support of the Hon. Mr Elliott. As the Hon. Ms Laidlaw indicated, it raises the general question of hypothecation. As the Minister indicated, it is an issue—and I guess they are all issues in the gaming Bill—where there are divided views in the Liberal Party. If one looks at the debate in the House of Assembly, one will see that a similar amendment was moved by my colleague Stephen Baker and was opposed by people such as Jennifer Cashmore, Stan Evans and Heini Becker; and I know that whilst they did not speak it was to be supported by a number of my other colleagues in the House of Assembly who did not choose to put their position on

the public record. So there are divided views not only in this Parliament but in the Liberal Party on the issue.

I have never been overly attracted to the notion of hypothecation, and I am certainly not attracted to the notion of \$15 million, \$16 million or \$17 million being hypothecated in this particular way. I can see the importance of tourism promotion in South Australia. I go to bat for my portfolio area, as quite properly does the Hon. Ms Laidlaw for hers. I would see as a critical need for South Australia extra funding for special education. In the Council yesterday I outlined tragic circumstances in relation to this, and there are 1 500 others just in the southern area of the Education Department in a similar position which I could have instanced and which need extra assistance from the Government and are not getting it at the moment. Others could argue in the hospital area, or in the housing area where we have 45 000 people on the waiting list, and in one or two other areas as areas of—

The Hon. Diana Laidlaw: Tourism generates wealth.

The Hon. R.I. LUCAS: Yes, tourism generates wealth. Education, again, is the ultimate investment, in my judgment, in the future and special education.

The Hon. Anne Levy: The arts generates wealth, too.

The Hon. R.I. LUCAS: The arts generates wealth, so the Minister says, and I am sure that the shadow Minister for the Arts and Cultural Heritage would agree with that. Everyone, quite properly, argues for their own portfolio area. I certainly strongly argue, both within my Party and within the Parliament as well, for the special education area. So, I put that to one side, as I think that that is something that can be treated separately. I am concerned about the question of gambling addiction that exists already in the community and, in the words of the Hon. Mr Elliott, about what is not being done by the Government at the moment.

If the level of funding that is currently going to organisations like, I presume, Crisis Care and other emergency care organisations that will be included in the group of 170 organisations funded by the Family and Community Development Fund could be doubled in one year—an increase of 100 per cent—then not many other areas of Government funding and expenditure would be able to boast such an increase in the amount of money available in that particular area, for the good works that they can undertake. Whilst I have indicated that I have a great respect for my colleague the Hon. Diana Laidlaw and that I understand completely the intention of the amendment which she has moved and which has been supported by other members, I must say that as a matter of conscience I cannot support it.

The Hon. M.J. ELLIOTT: Some of the discussion we have had in relation to this amendment has not been directly related to it; it has been more about the studies that need to be done. Once again, it is with great regret that I recall the Premier's promise of 1983 to carry out studies on the impact of gambling. Had those studies been carried out we would be having a far more informed debate than we are attempting to have now. It really is a case of a cart before the horse debate in many ways. We are going to expand significantly the gambling opportunities without knowing the impact of the gambling opportunities that have been offered so far. That is a truly amazing thing to do. Had the promise to undertake a study nine years ago been honoured we would be in a far better position now.

The Minister mentioned a figure of \$2 million to be given to the Family and Community Development Fund. Let us look at that in context and see what it is really worth. One estimate of the number of gambling addicts in South Australia puts the number at about 10 000. If we take the Lucas 4 per cent figure that he has used today, that actually puts

the number higher, at 20 000 addicts. How many victims are there? Well, we have to consider their families. So, we are then talking about 15 000, 20 000, 30 000 or, perhaps, 40 000 direct victims of gambling. That is the figure at the moment. If we have an increase—not an explosion—of addicts of as little as 10 per cent then we have to add another 3 000 or 4 000 victims to that list. On my calculations, the \$2 million that the Government is then pledging works out to about \$150 to \$200 per gambling addict per year. Addicts lose more than that in a night. The Government is feeling rather magnanimous about this gesture of giving \$2 million and is quite outraged that we should be suggesting hypothecation of as much as \$5 million, which works out to about \$250 per addict per year. They lose more than that in a night—and the Government finds that unacceptable.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Elliott has the floor.

The Hon. M.J. ELLIOTT: It would be an absolute joke if it were not so serious. It is an absolute disgrace that the Government has come up with this move at this time, and it is totally irresponsible. To oppose this move takes the irresponsibility to an even greater degree.

The Hon. T. CROTHERS: The sentiments expressed by the Hon. Ms Laidlaw's amendments are sentiments after my own heart. My own union (and I notice the Secretary sitting in the gallery) some years ago, when the Casino was built, moved a resolution at an ALP Convention along the same lines as this amendment. Unfortunately, it was not passed because at that time it was an idea whose time had not come.

The Hon. Diana Laidlaw: Has it come now?

The Hon. T. CROTHERS: I'll come to that. I support the Hon. Ms Laidlaw's amendment but, because of the proffering of the select committee by the Minister, I am now of a mind to give that a go, because I believe that, now that the Government has made this offer of up to \$2 million on that first year basis, the select committee will do much more good for people with an addiction to gambling. I do not think that it is a habit so much as an illness, in much the same way as was discovered years ago, when the proper studies were done, that alcoholism was an illness and not a habit. Who knows what will come out of that select committee? It may well be that a position will arise where more than \$2 million will be required in order to set up a clinic, which could well be a world first, to try to get to the bottom of what causes the illness.

The Hon. M.J. Elliott: We already lead the world in gambling.

The Hon. T. CROTHERS: I wish that you would lead the world in listening, for a change! It would make a pleasant change. One never knows what might come out of this: it is a step in the right direction. The Hon. Ms Laidlaw's amendment seeks to procure sums of money to embark on a particular project, but we do not know what the project is. I understand from another place that some bodies such as Gamblers Anonymous refuse to take any Government funding at all. That organisation sees itself as the prime convenience that has been set up to try to assist people with a gambling illness—and I do think it is an illness, not a habit or an addiction, and nothing has ever been done on that. Great oaks from little acorns grow, and it may well be that the offer that has now been made by the Government is the first meaningful step towards doing something of a more positive nature than has previously been done.

I, like the Hon. Mr Lucas, believe that the number of gamblers in the community does not equate to the amount

of different gambling systems or establishments that we have. Gambling illness is rather like alcoholism. It is an illness and not a habit. Like the Hon. Mr Lucas, I believe that a fixed proportion of the population has that illness rather than a proportion which can increase through habit-forming risk to which people might be exposed because of the number of different types of gambling establishments.

I say to the Hon. Ms Laidlaw—and I cannot be more truthful than this: if the Government does not keep its promise with respect to the \$2 million in the first year, and if it does not keep its promise about the select committee, I would have to consider my own position with respect to taking the Government's whip in that matter if the matter was not one of conscience. That is how strongly I feel about it. I am not here to be sneered at, mocked at or not listened to: I am here because, like the Hon. Ms Laidlaw, I believe. I believe that the best way forward is the way of the select committee, because that will assist in identifying the manner in which we can expend the dollars to the maximum capacity. It is simply that reason that leads me to oppose the amendment.

If the select committee had not been put on offer, I would have supported the amendment, because it was an amendment that emanated from my own union some seven or eight years ago. I think it is an idea whose time has come. For me, the way to go is the select committee—to identify the problem, to see how we can maximise the return on the dollars invested, and to see how best the people with the illness of gambling can be assisted.

In speaking to this clause, I believe that one has to consider the feelings of other members in the Chamber. A couple of members have expressed feelings, and I will not name them out of courtesy to them, but they know who I am talking about. Quite rightly, they have expressed feelings that they were worried about the impact, if this legislation passed, that poker machines would have on the social community of South Australia. I say to them that, if they think that is an evil or bad thing, sometimes out of bad or evil comes good. We have the opportunity extended to us by the Government to probe the matter of gambling addiction, the impact on the social community and the impact of the gambling addict on the spouse and children in the family. It is an opportunity that may well never present itself to us again. As I said, I am very impressed with the Laidlaw amendment and from my own point of view, had it not been for the offer made by the Government, I would have been voting for it. A very noble sentiment is contained in it.

I would hope that the offer—admittedly, a late offer—made by the Government will put to rest those genuinely held fears by at least two in this Legislative Council. I would hope that it does that but, if it does not, so be it. It is their right, according to the issue of conscience, to take whatever viewpoint they take. I would hope that Ms Laidlaw might see some wisdom in what I have put on offer and that she might decide that, on account of that and the assurances I have given personally, in the interests of maximum effectiveness, this amendment ought not be proceeded with until and unless this Chamber decides to accept the Government's offer of the select committee, and unless and until such time as that select committee has brought back a report to this Chamber on its deliberations.

In conclusion, I point out that my own union seven or eight years ago placed on record for the ALP convention a resolution similarly worded to the Laidlaw/Elliott propositions. We did not get it up, because it was an idea whose time had not come. The whole issue of the gaming machines is one whose time has come, because we are not any longer,

with respect to attracting the tourism dollar, since the introduction of poker machines into Victoria, playing on a level playing field. In spite of what has been said, I think the majority of South Australians want poker machines. One only has to look at the Casino where there are video gaming machines to see queues of people who are interested in having a flutter stretched right down North Terrace. It is not simply a small minority of people who have the illness of gambling coursing through their veins who want the machines. The time and date has come.

I hope that the manner in which the Government has addressed clause 68 will do a number of things: it will assist Ms Laidlaw to rethink her amendment; it will assist the Committee to decide whether or not to support the Bill; and it will assist people who have the illness of gambling by having some form of inquiry conducted into that illness, with a view to our not simply finding a bandaid fix but a fix similar to that which has been found with the medical treatment of alcoholics.

As I have said, gambling in my view is an illness and not an addiction or habit. As such, it deserves the offer made by the Government: for that reason alone, it deserves every consideration, and I ask members to support the Minister in what she is trying to do in this clause. I appeal to the Hon. Ms Laidlaw, in the interests of maximum effectiveness, to reconsider her amendment. I give her an assurance that, if there is any cessation of Government funds or any shonky business at all over the select committee, I will have to consider my position with respect to the matter.

The Hon. Diana Laidlaw: I will keep you to it.

The Hon. BARBARA WIESE: I will be brief, as we have spent a lot of time on this clause. I place on record the position I will be taking on this amendment. Despite the outrage and cynicism expressed by the Hon. Mr Elliott about the undertakings given by the Minister for the Arts and Cultural Heritage, I believe that the undertaking she has given on behalf of the Government with respect to funds to be allocated to provide services and support for people found to have problems with gambling is a very desirable move and one that will be supported by many people within our community. I will confine my remarks specifically to tourism marketing and the question of hypothecation in general. I am one of those in this Chamber who have a bias towards the idea that more money should be put towards tourism marketing. I will take up one of the points raised by the Hon. Ms Laidlaw in moving her amendment. She indicated that I said, in response to a question in this place a couple of months ago, that I did not support money from gaming machines going towards tourism marketing.

On the contrary, I strongly support money raised by revenue from gaming machines being put towards tourism marketing. Indeed, I have made strong representations to the Minister of Finance on this matter. Having said that, I support in principle the view that hypothecation is not a particularly desirable way to achieve the distribution of funding for particular purposes. I do take the view in general that Governments should not have their hands tied with respect to the allocation of resources, that it is the job of Government to establish priorities and to distribute moneys where they are most needed. That is the job for which Governments are elected. In general terms, I believe that is the avenue that should be followed.

It is wrong to suggest that, if money is not hypothecated for particular purposes, a Government is not demonstrating a commitment to a certain area of policy. A Government's commitment to an area of policy is much better measured by how much money it puts towards a particular area

overall. As the Hon. Ms Laidlaw has indicated, during the past few years, members of the tourism industry and I have worked very hard in South Australia to raise the awareness of Government of the importance of our tourism industry and its wealth generating capacity and have argued very strongly that resources for tourism marketing should be increased.

In recent years we have met with considerable success in convincing Government that more resources should be put to this purpose. Although the idea of hypothecation for this area is attractive on the surface, I do not think that we can expect that hypothecation of resources for this purpose or any other will necessarily ensure that any Government will have a stronger commitment to tourism or any other policy area. This may be a rather cynical view, but the amount of money that has been hypothecated for a particular purpose can easily be taken away with respect to the overall allocation of funds in that area, should it be the view of the Government of the day that that level of resources ought not to be devoted to that purpose.

So, my preferred approach is to convince Government that the significance of a particular policy area is such that more money should be devoted to it. I believe that the new revenue that can be raised through gaming machines in South Australia provides an opportunity for Government to look again at the resources that are being devoted to certain areas, and I have made strong representations that tourism is one of the areas that Government should examine very closely in determining where that new revenue should be spent, should this Bill pass and should gaming machines be introduced in South Australia. So, I will continue the work that I began quite some time ago in pushing for more money for tourism marketing, but I will not support the amendment.

The Hon. BERNICE PFITZNER: I welcome this gaming tax fund, because I think too little emphasis has been put on what this Gaming Machines Bill will do to the community and the kinds of social hardship that it will engender. The Minister has mentioned 2 or 4 per cent and then she says it is nothing like 50 or 80 per cent. Even 1 per cent is more than enough to cause us to stop and think. So, it makes me shudder to think, when the Minister trots out these figures, that perhaps it should be 50 or 80 per cent before we consider the social hardship and the impact of these gaming machines on the community.

I understand that there are different theories about this gaming fund, including the suggestion that if we support the fund this Government will just reallocate funds elsewhere. However, I am not convinced that that will happen and, even if it does, at present there are no funds to support people who are addicted to gambling, so at least it would be a nucleus to start with. I am not at all convinced or confident that this Government would allocate funds to the people who are addicted if we do not provide for this fund. I do not believe that this Government will be responsible or reliable, because it has not been so in the past.

The Minister says that it is not true that there is a perception and a feeling, of which I am aware, that this welfare impact and emphasis has not been considered sufficiently. Someone has just mentioned the Hospitals Fund; there is no emphasis on that, and it has merely been reallocated. Looking, however, into the gaming tax fund, I am a little disappointed that not all of the fund goes to welfare. I understand that some fundraising activities such as Red Cross, and so on, will be affected, but who will be affected most of all; who will be affected directly? It will be the people who are addicted to gambling.

With respect to the other part that goes to tourism, I would have thought that the poker machines themselves would pull in tourism, so why are we devoting more money to promote tourism? Therefore, although I do support it, I think all the money involved should go to welfare. This whole Bill gives me much concern, because I feel that this Government has not thought about it enough; it has thought more about economic gain than about social impact and social hardship. So, I welcome this gaming fund, because it emphasises, acknowledges and gives status to what we know without a doubt will be an increase in addiction to gambling.

The Hon. CAROLYN PICKLES: I oppose the amendment moved by the Hon. Ms Laidlaw, and I do so after a great deal of thought. Personally, I have had great difficulties with the whole concept of gambling. I am not a gambler and personally do not support gambling, but we have had it in our State as a fact of life for a number of years. This is not an issue about gambling, *per se*; it is an issue about an extension.

We are not sure what the long-term implications may be. Therefore, I welcome the commitment. I believe it is a genuine commitment. What more commitment can one make than to say in this place on the public record that the Government will commit and dedicate funds to this area and support the setting up of a select committee, if this Bill should pass the third reading stage, where the problems that the Hon. Dr Pfitzner has raised can be looked at very carefully?

The Hon. Mr Lucas intimated that he may prefer to send the scrutiny of the impact of this legislation to the Social Development Committee. As the Presiding Member of that committee, I would say that it needs separate scrutiny by a committee of the Legislative Council. That is why I would support the setting up of a select committee.

A number of people have contacted me about their concern with regard to the impact of this legislation on the community. The reality is that gambling has an impact on the community across the board, not just this new form of gambling. I think that a select committee should look at that also, and not just in isolation. I would have welcomed the setting up of a committee of this nature following the introduction of the Casino legislation.

I think that gambling has some detrimental side effects in the community, but, on balance, one has to recognise that adults have free will. However, that is not to say that the Government of the day should not consider the social implications of any legislation that goes through the Parliament. Therefore, I welcome the genuine commitment by the Minister on behalf of the Government. I was disturbed to hear the Hon. Dr Pfitzner say that she does not believe it. The Minister has made the commitment, the Minister responsible for finances in this State has given an undertaking and the Minister of Family and Community Services has also given an undertaking. I do not know how many more undertakings we have to give. Like my colleague the Hon. Trevor Crothers, I will undertake to pursue this matter vigorously if this commitment is not carried through. I am quite genuine in that regard, because I, too, share the concerns that have been raised by members in this place.

I do not believe that we can set aside specifically for tourism, health or education funds that will be coming into the Government through this proposal. I think that we must look very carefully at the impact of gambling in this State. I believe that the commitment and the undertaking given by the Minister on behalf of the Government should be adequate for members who, like me, are concerned.

The Hon. DIANA LAIDLAW: I will speak for myself, but I believe I can also infer from the contributions of

others who have spoken in the debate and who will be supporting this amendment that we believe that the Government's commitment is not adequate. I think that we should put it into perspective. The Hon. Mr Elliott did so briefly, but I want to look at it in another context.

The Minister demeaned the amendment that I moved suggesting that the combined figure of \$9 million to \$15 million was a huge sum to be going towards charity, families, victims of addiction to gambling and tourism. I remind members that in every form of gaming legislation in this State there is hypothecation of funds. Under the State Lotteries Act, in 1990-91, \$76 million went to the Hospitals Fund. The figure of \$9 million to \$15 million would be the maximum in a financial year when the gaming machines were going hell for leather. We are told that is a huge sum. I remind members that this pittance of \$2 million that the Government is so charitably offering the welfare sector from taxpayers and the people who use these gaming machines should be seen in the light of the \$2.2 billion that this same Government has been prepared to gamble with our money.

It is .1 per cent of the money which the State Bank has lost, and it is 2 per cent alone of the State Bank interest bill—\$200 million that we are paying on the State Bank. We are meant to sit here and be thankful for \$2 million that this Government is so generously handing to those who may well be adversely influenced by this legislation. To be quite frank, I do not have a great deal of sympathy for those addicted to gambling, but I have a great deal of sympathy for their families, and it is generally the women and children who bear the heartache.

I think it is important to see this amendment in the context of some of the Government's other irresponsibilities in terms of financial management in this State, and the Government's arguments have simply reinforced my concern that this Bill is a blatant Government fundraising measure. As for the Minister—or former—no, what is she? What is the Minister of Tourism?

Members interjecting:

The Hon. DIANA LAIDLAW: As for the 'stand aside' Minister of Tourism, I feel it is of interest that she said that it is a Government function to have money to spend at its discretion. Well, I feel that every taxpayer in this State would believe that there has been too much discretionary spending by this Government, and the more the Parliament tries to tie funds in desirable goals for the community, the better. In fact, a change of Government would be better still. But there are good reasons for supporting the Bill. I have outlined them, and I will not pursue the matters further, but I thank the members in this place who have given support to my amendment.

In conclusion, I also acknowledge the representations from a number of major charities and welfare agencies in this State: the Australian Red Cross, the Australian Kidney Foundation and the Surf Life Saving Association. They have noted in their correspondence to members of the Liberal Party that, because of this measure, they believe that they may lose between \$5 million and \$20 million from the moneys that they collect from bingo tickets currently sold in hotels and clubs. There is no thought or commitment by the Government as to how we will help to top up the funds that will be lost to those charitable organisations. The needs of those organisations and the clients whom they serve are certainly addressed in the amendment that I have moved and in the amendment that I almost moved in tandem with the Hon. Mr Elliott.

The Hon. R.I. LUCAS: I want to respond briefly to one aspect of the comment made earlier by the Hon. Mr Elliott in relation to the amount of money that is to go to persons

addicted to gambling or to assist families of such persons. As members have said, the Government has indicated a preparedness in the first financial year to double the amount of money that goes to such organisations, by \$2 million. The effects of this amendment are that in the first financial year (assuming that we are at the bottom end of that amount of \$9 million to \$15 million which the Hon. Ms Laidlaw talked about, and given that we would not have cranked up to whatever is likely to be the ultimate level of gaming machine penetration) two-thirds of that (\$6 million) would go to category (a) funding, be distributed between the welfare organisations assisting families of gamblers, and part of it would go to organisations adversely affected in fundraising. There is nothing definitive there as to how that distribution is calculated.

If one were to say it goes half and half, in the first full year of the introduction of this legislation, \$3 million would go to assist persons addicted to gambling or their families. In my view, the position is that in the first full year \$2 million would increase to \$4 million, under the Government's proposition, or under this new clause, \$2 million would go to \$5 million. I concede that there is a difference. However, I wanted to respond to that aspect of what the Hon. Mr Elliott said. I do not believe that in the first full year the difference in the amount for persons addicted to gambling or to assist their families is anywhere near as significant as the Hon. Mr Elliott led the Committee to believe earlier.

The CHAIRMAN: Because this is a money clause, if it passes it will be a suggestion to the House of Assembly that it inserts new clause 68a.

The Committee divided on the suggested new clause:

Ayes (10)—The Hons L.H. Davis, M.J. Elliott, M.S. Feleppa, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw (teller), Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (10)—The Hons T. Crothers, Peter Dunn, Anne Levy (teller), R.I. Lucas, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

The CHAIRMAN: There being 10 Ayes and 10 Noes, I cast my vote for the Noes.

Suggested new clause thus negated.

Clauses 69 to 71 passed.

Clause 72—'Power to refuse to pay winnings.'

The Hon. ANNE LEVY: I move:

Page 27, line 18—Leave out subclause (4).

This amendment is consequential on an amendment that was moved in another place. Subclause (4) provides that winnings which are withheld from a player under subclause (1) and which arise as a result of a machine not operating—that is, malfunctioning—will be forfeited to the Crown. Clearly the intention of the Bill is that the licensee should not be required to pay winnings which are outside the rules of the game or which have resulted from a machine malfunction. To provide for such non-winnings to be forfeited to the Crown frustrates the intention of the section and would leave the licensee unfairly out of pocket.

For example, if a machine's meter malfunctioned in that it showed 10 000 credits instead of one credit, and if it could be shown that this was due to a malfunction, the credits would be voided—would not be valid—and no winnings would be paid to the individual, and it would be most unreasonable to expect the licensee to pay \$10 000 to the Government as a result of the machine malfunctioning.

The Hon. K.T. GRIFFIN: I have no difficulty with that. If a machine does malfunction and the licensee is to benefit, what about the player who has been putting money into the machine? Is there any reimbursement to the player in those circumstances?

The Hon. ANNE LEVY: As I understand it, if a machine does malfunction and if the licensee has good reason to suspect that it has malfunctioned then, of course, he would withhold the credits from the player. If the player feels aggrieved and that he has been hard done by then he can appeal to the Liquor Licensing Commissioner, who would investigate the situation, test the machine, and so on and so forth, and adjudicate in the dispute.

Amendment carried; clause as amended passed.

New clause 72a—'Prohibition of advertisement.'

The Hon. M.J. ELLIOTT: I move:

Page 27, after clause 72 insert new clause as follows:
Prohibition of Advertisement

72a. (1) A person must not publish, or cause to be published, an advertisement for the services or facilities provided on any premises pursuant to a gaming machine licence.

Penalty: Division 7 fine.

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

I may have had quite a different attitude to this whole legislation if it had been happening in quite a different climate. I recognise that there are activities in our society which are harmful to individuals and which we recognise to be so, but we tolerate that activity; for example, smoking tobacco. Any honest person will say that they know it is harmful, but we also say that, if a person chooses to smoke, let them.

I can accept that attitude to a point, but what I find very difficult is a society which, when it is honest with itself, knows that an activity is harmful and not only allows it to occur but positively promotes it. It is for that reason that I supported bans on advertising of tobacco products. While I acknowledge that people will smoke and I accept that they will smoke—although I prefer that they do not do it in the same room as me—what I find most offensive about the whole deal is that companies could advertise and encourage people to do something that is known to be harmful.

That is what this proposed new clause is about as well. I think we acknowledge that people do gamble and will gamble. I have accepted that in society we will provide gambling opportunities. In fact, if we do not provide those opportunities legally they will happen illegally, and in that respect the activities of the SP bookmakers of some decades ago are well known. So, the Government can play a role in allowing and supervising gambling in a form of controlled environment.

What I find most unacceptable is that the Government has gone from that position of recognising that there will be gambling, allowing it and supervising it to a position where it absolutely encourages it, knowing that it will do harm along the way. That is the greatest immorality: that of Government positively promoting the activity. That has been my major reason for opposition to this Bill. That is what this Bill is all about: the Government is after money and is positively promoting gambling. As far as the Government is concerned the more people who gamble the better because it provides more revenue.

I suppose, likewise, the self-interest of hotels is understandable. They are having hard times and the fact that this will bring in extra dollars is attractive, and I understand that. However, recognising that there is potential harm, I believe that we should not be positively inducing people to gamble, as distinct from allowing them to gamble. That is the point of this amendment. People will know which hotels, clubs or whatever have gaming machines and which do not. Nevertheless, there can be a plaque or sign out the front saying that this place offers such and such facilities.

That is a quite different thing from being on television, etc., giving positive images about gambling in the same way as the Casino does in South Australia. It shows lots of happy people standing around machines and games, making lots of money. That is a false image. If you go into a place such as the Casino, there are not many people smiling. It is one of the most deadly serious places you can get, and people are not smiling everywhere. But that is not what you see on TV. People are standing around in happy groups, all winning money. It is a false image and one that should not be promoted.

The Hon. R.I. LUCAS: I am sorry that the Hon. Mr Dunn is not here, because I am sure that he would say that the feral Democrats are at it again! I oppose this amendment fairly strongly. Why should we prohibit advertising for gaming machines if they are to be introduced into South Australia when every other element of gambling activity in this State is able to advertise?

The Hon. M.J. Elliott: This is the Bill I have before me: I can't amend the others, can I?

The Hon. R.I. LUCAS: I presume that this is a portent: that you are planning on bringing in a Banning of Gambling Advertising Bill on behalf of the Democrats.

The Hon. M.J. Elliott: It's not a bad idea.

The Hon. R.I. LUCAS: It is on the record: the Democrats will introduce a Banning of Gambling Advertising Bill. The South Australian Jockey Club and the racing industry will not be able to advertise the Australasian Oaks or the Adelaide Cup, which is coming up in a couple of weeks. We will not be able to advertise the trots or the dogs. The Casino will not be able to advertise, nor will the Lotteries Commission be able to advertise scratchy tickets, or whatever else it makes available through its various outlets. It really is a nonsense.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, perhaps we may have to ban the advertising of football. Footy Punt may be caught up in that, and we might have to ban the Grand Prix as well. If anything moves in this State, the Democrats want to ban it or, at least, the advertising of it. It is indicative of a philosophical difference of view that I have had with the Hon. Mr Elliott, the Democrats who have preceded him and those who are still here with him in relation to tobacco advertising and, now, gaming. If there is a lawful activity in this State—although it may not be lawful if the Bill does not pass—then, in general terms, I believe it ought to be able to be advertised. I very strongly oppose the notion as indicated by way of this amendment: that these organisations will not be able to advertise the gaming facilities which might be available in the Casino, their direct competitor (if one narrows the argument to the Casino, with some 800 gaming machines) which would be able to advertise the machines that are available on its premises.

It really would give an unfair competitive advantage to one section of the market, and would discriminate against the smaller clubs and pubs in Adelaide and all over South Australia who might want to advertise to attract tourists and others to play the machines in their clubs and pubs. As I said, if this is an indication of a future move by the Hon. Mr Elliott to ban all advertising of gambling codes in South Australia, I give an early indication, particularly as I am sure that it would be a conscience vote on behalf of the Party, that I would be opposed to that as well.

The Hon. K.T. GRIFFIN: I will need to tread very carefully through the field of caustic criticism my colleague has just made of this proposition. I will speak frankly but perhaps not so bluntly on this occasion. During the second reading stage I said that I had concerns about promotional

activity in relation to gaming machines if the legislation passes, and I also drew attention to what I think is quite inappropriate advertising by the Casino interstate, designed to attract interstate visitors to the Casino. That matter was raised in Parliament last year or the year before, I think, and the advertisement very quickly stopped. I think the Casino operators acknowledged the inappropriateness of that advertising.

During the course of the second reading debate, I said that, in the Queensland Criminal Justice Commission report on gaming machine concerns and regulations, one of the recommendations was that manufacturers not be permitted to conduct any promotional activity in Queensland licensed establishments, offer any inducement or make payment for any purpose to any person connected with any Queensland licensed establishment. I was considering something along those lines by way of amendment, but I decided it was somewhat too difficult.

Whilst I have some emotional attraction to the proposition of the Hon. Mr Elliott, because I think that advertising can play a significant role in inducing young people particularly to play gaming machines, nevertheless I am cognisant of the fact that there is advertising for horseracing, greyhound racing and trotting, and the TAB advertises lotteries quite extensively. To put the embargo on advertising, as contained in this clause, is somewhat inconsistent if the Bill should pass. I am concerned about the prospect of advertising, but I do not think it is particularly consistent in the context of the whole range of gambling which is open to the South Australian community. Everyone knows that I am critical of the extent to which the Government is involved in the gambling industry and the range of opportunities for gambling, and I have taken a fairly strong stand when those issues have been before the Parliament.

However, banning advertising only in relation to the facilities provided pursuant to a gaming machine licence I think opens up questions as to whether the services or facilities provided on any premises are provided pursuant to a gaming machine licence or a liquor licence, whether it is a hotel licence or otherwise. There will be some difficulties in interpretation and policing. If the legislation passes, I would hope that those who do have gaming machines exercise some discretion about advertising. It may be a vain hope but, if it is vain, then in the future something may be able to be done to set some standards. For the moment, I do not support this proposed new clause, for the reasons I have outlined.

The Hon. ANNE LEVY: Likewise, I oppose this amendment. My reason for doing so is that there is a fundamental principle in which I differ from the Hon. Mr Elliott. He talks about gambling being harmful, as if gambling *per se* was harmful. To me, it is true that there are some individuals who become addicted and who suffer dire consequences, but for the vast majority of people gambling is not harmful. Presumably it is pleasureable or they would not indulge in it. I do not indulge because I have no interest whatsoever, but for those who do find it pleasureable, I see no reason why they should not undertake this activity. Nor do I see any reason why they should not be able to obtain information as to where they can undertake that activity.

The Hon. M.J. ELLIOTT: Sometimes people assume that one is saying something quite different from what one is saying. People assume that one is setting out with an intention in mind. In many ways on many issues I am far more libertarian than, for example, the Hon. Mr Lucas, who gives the impression on this issue that he is more liberal on the question of gambling. I am on the record suggesting that we need to look at our drug and prostitution laws. I believe,

frankly, that, if we wish to tackle issues in our society we do not always achieve it by banning them: we achieve it rather by different means. It is worth noting a report in the newspaper a couple of days ago that tobacco consumption in Australia has dropped by 5 per cent over the past two or three years.

Finally, tobacco is being beaten not by the banning of the product, which rarely works, but because it is not being promoted and people are having other images projected to them. In the long run, if we see things in our society that we wish to discourage, we must tackle them in that way. That is the way in which we can have a victory, and commonsense will prevail. It is not about banning activities or about wowsersism. So many members here have made admissions that they do not gamble. I gamble two or three times a year. My position on this legislation is not anti-gambling or wowsersism. There is no doubt that many people get great pleasure from gambling, and I have no intention of taking that away.

The Hon. M.S. Feleppa interjecting:

The Hon. M.J. ELLIOTT: I think that I am in front: most gamblers say that. People try to attribute a motivation that simply is not there. I object to attempts to give gambling positive images, which are in fact false images. I object to the positive image that gambling is a good thing, particularly in front of children growing up. I see a vast difference between something being legal and our allowing it to occur, recognising that people get pleasure from, say, smoking tobacco, drinking alcohol or whatever. I see a vast difference between that and our going out into society and saying that, because something is legal, people should be able to advertise it. That is the stand which I am taking on this and which I take in relation to many other issues. There are ways of tackling things that we do not like: there are many different ways of doing it. I am not about banning activities to stop them.

If my position on other legislation is looked at, one would find that that is the consistent line I have tried to take. I have opposed this legislation because it is an attempt at a massive expansion of gambling opportunity, positively encouraged by the Government, with no real attempt to help the victims or to look at the other side of the issue. That is why I have taken such a strong stand against the Bill and why I have moved this new clause. It is consistent with the stand I have taken on a lot of issues. It is not a wowsers attitude or an anti attitude. If people take simplistic stands, and make those sort of comments, they show their simple-mindedness.

The Hon. BERNICE PFITZNER: I oppose the new clause. Although the Bill gives me the pip, as it does the Hon. Mr Elliott, my principal aim all the way through has been to restrict and control the outcome so that it might be more responsible. If we were to insert this new clause, it would mortally wound the legislation. If we want to do that, we should vote against the third reading. This new clause does nothing to restrict and control, and one must look at the whole Bill comprehensively.

New clause negatived.

Clause 73—'Certain agreements and arrangements are unlawful.'

The Hon. R.I. LUCAS:

Page 27, lines 28 and 29—Leave out '(other than the Independent Gaming Corporation)'.
 This amendment has not been circulated, but it is consequential on the earlier successful amendment as to the Independent Gaming Corporation being restricted to holding just the monitor licence. The amendment provides that we should delete the words '(Other than the Independent Gaming Corporation)', because the Independent Gaming

Corporation will not be able to hold a gaming machine dealer's licence.

Amendment carried; clause as amended passed.

Clauses 74 to 79 passed.

Clause 80—'Summary offences.'

The Hon. K.T. GRIFFIN: I move:

Page 29, line 8—Leave out subclause (1).

This amendment provides that all offences against the Act other than indictable offences are summary offences. It really states the obvious, and the new courts restructuring package amendments relating to the Justices Act will set the standard for summary offences, and anything involving imprisonment over two years, basically speaking, will be an indictable offence and anything under that, a summary offence. It is probably better to delete subclause (1) and let that courts package take its effect, as it will, in other legislation.

The Hon. ANNE LEVY: I support the amendment and reluctantly admit that lawyers do have their uses, sometimes.

Amendment carried; clause as amended passed.

Clauses 81 to 83 passed.

Schedule 1 passed.

Schedule 2.

The Hon. K.T. GRIFFIN: I move:

Page 32—After 'Minister' in paragraph (b) insert 'or Commissioner'.

The schedule sets the conditions to which the gaming machine monitor licence will be subject. Paragraph (b) of the condition is that the licensee will comply with such directions as the Minister may give in relation to the keeping of books, accounts, financial statements and other records and the manner in which they are to be kept and preserved by the licensee and the furnishing of reports to the Minister on the financial affairs of the licensee in respect of that undertaking or those undertakings. It seems to me appropriate that the Commissioner will also be able to give some directions in relation to those matters. So, where 'Minister' appears in paragraph (b) in two places, it should be followed by the words 'or Commissioner'.

The Hon. ANNE LEVY: I oppose this amendment. Under the Bill the Commissioner does have the power to set conditions. If the Commissioner is not able to convince the Minister that he or she should impose certain conditions, something is breaking down somewhere. It is better to keep the final responsibility for this in the hands of the Minister, who obviously will be advised by the Commissioner. The Minister is answerable to Parliament and is publicly accountable. The Commissioner—

The Hon. K.T. GRIFFIN: This is a condition of the gaming machines monitor licence; why does the Minister do that and not other things?

The CHAIRMAN: Order! The Hon. Mr Griffin will not debate this.

The Hon. ANNE LEVY: The ultimate political authority should lie with an elected person rather than with the Commissioner, who is appointed. I would have thought all members of this Chamber would take that view as a fairly basic principle. After all, the Commissioner is a pretty influential person and, if the Commissioner was not able to convince the Minister that something was necessary, it seems to me that there is something wrong somewhere.

The Hon. K.T. GRIFFIN: I do not particularly want to get bogged down on this, but with respect to the Minister that is illogical. If we look at all the conditions set out in schedule 2, there are two in which the Minister has a place. The first is in relation to some fees, the second in relation to the keeping of books, accounts, financial statements and other records and the others are related to the functions of

the Commissioner. There is the condition that the 'licensee will not employ any person to carry out duties in connection with the undertaking authorised by the licence . . . unless that person has first been approved by the Commissioner; paragraph (g) refers to 'a condition that the licensee will comply with such other reasonable directions as the Commissioner may, in the interests of ensuring the efficient and effective monitoring of all gaming operations conducted pursuant to this Act . . .'; and paragraph (h) refers to 'such other conditions . . . as the Commissioner thinks fit and specifies in the licence'.

I am concerned that if the Commissioner says, 'I think you ought to be keeping certain records, but this is within the power of the Minister and I cannot do it', sure, the Commissioner has to convince the Minister, but I wonder why that is necessary. It is all very well to say that the Minister is accountable to the Parliament, but why should the Minister be accountable to the Parliament in relation to the directions as to the keeping of books, when it is the Liquor Licensing Commissioner who has been given all the other powers of supervision of the activities of the monitoring licensee?

The Hon. ANNE LEVY: I can only indicate that these are questions of financial matters. One might perhaps have a situation where the Commissioner in all innocence gave instructions that were contrary to those which had already been issued by the Minister. One might then have a fairly peculiar sort of situation. This does deal with financial matters. Not every Liquor Licensing Commissioner is likely to be an expert in financial matters and I can also indicate that the Liquor Licensing Commissioner does not want this power, which the honourable member is trying to give him.

The Committee divided on the motion:

Ayes (10)—The Hons L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (8)—The Hons T. Crothers, M.S. Feleppa, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese.

Majority of 2 for the Ayes.

Amendment thus carried.

[Sitting suspended from 6.3 to 7.45 p.m.]

The Hon. R.I. LUCAS: I move:

Page 32—

Leave out from paragraph (b) (i) 'and by any other licence held by the licensee under this Act'.

Leave out from paragraph (b) (ii) 'or those undertakings'.

Leave out from paragraph (c) 'or by any other licence held by the licensee under this Act'.

These are consequential amendments on the earlier successful package of amendments.

Amendments carried.

The Hon. K.T. GRIFFIN: I move:

After 'Minister' in paragraph (b) insert 'or Commissioner'.

Leave out from paragraph (g) 'reasonable'.

The problem with the word 'reasonable' is that, in the context of the Commissioner's giving directions, it introduces an element of potential dispute, keeping in mind that the Casino Supervisory Authority ultimately has the right to review the decisions of the Commissioner. The deletion of the word 'reasonable' will certainly not prejudice applicants or licensees when the licences are granted.

Amendment carried; schedule 2 as amended passed.

Schedule 3 and title passed.

Clause 7—'Conduct of proceedings'—reconsidered.

The Hon. K.T. GRIFFIN: I move:

Page 4, after line 10—Insert new subclauses as follows:

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

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

- (a) the parties to those proceedings and their counsel or representatives;
- (b) witnesses, while giving evidence;
- and
- (c) officers assisting the Commissioner,

be present in the room while the proceedings are being heard.

This is a matter relating to the conduct of proceedings before the Commissioner. When I asked a question, the Minister indicated that it was proposed that hearings before the Commissioner be open hearings, and I was drafting a form of words which provided for that but also gave the Commissioner discretion to close the proceedings.

Some discussion with the Minister suggested that there ought to be some variation of my drafting and, as a result, what is now before us is a result of that consultation. Hearings before the Commissioner are open. The amendment provides that, if the Commissioner of Police so requests it on the ground that information given should remain confidential, the Commissioner will direct that no person other than the parties or witnesses giving evidence or officers assisting the Commissioner are to be present in the room while the proceedings are being heard. That overcomes the difficulty.

The Hon. ANNE LEVY: I am happy to support the amendment.

Amendment carried; clause as further amended passed.

Clause 11—'Authority may conduct inquiries'—reconsidered.

The Hon. K.T. GRIFFIN: I move:

Page 5, after line 11, new subclause (3)—Leave out 'The' and insert 'unless the authority recommends that a report remains confidential, the'.

This amendment has not been circulated, but I did take the opportunity to flag it last night. Members may recall that this clause deals with the conduct of inquiries by the Casino Supervisory Authority. I moved an amendment, which was carried, that the Minister must, within six sitting days of receiving a report under subsection (2) cause a copy of the report to be laid before each House of Parliament. The Minister inadvertently supported that and indicated that she would recommit it. I have suggested an alternative which I think will overcome the Minister's difficulty; hence the amendment that I have moved. I hope that my amendment will accommodate the difficulty that the Minister identified subsequent to that amendment's passing when the matter was first before the Committee.

The Hon. ANNE LEVY: I am very happy to support this because it was pointed out to me that there may be occasions when the report from the authority contains material obtained from the Commissioner of Police which may relate to criminal activities or criminal investigations and which the Commissioner of Police would certainly not wish to be made public. The Hon. Mr Griffin's amendment will ensure that, where it is felt to be undesirable, the report can remain confidential. I agree with the general principle that reports should be made public but there may be occasions when reports or sections of reports should remain confidential in the interests of criminal investigation.

Amendment carried; clause as further amended passed.

New clause 48a—'Prohibition of linked jackpots'—reconsidered.

The Hon. K.T. GRIFFIN: I move:

Page 18, after 'Penalty: Division 3 fine' insert the words 'or division 5 imprisonment'.

This new clause was moved by the Hon. Mr Elliott and provided a division 3 fine for a breach of the clause. I want to add a division 5 imprisonment to that fine which will

make it consistent with other provisions of the Bill in relation to the penalty.

The Hon. ANNE LEVY: The Government supports the amendment.

Amendment carried; clause as amended passed.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the third reading of this Bill be adjourned and taken into consideration on motion.

The Council divided on the motion:

Ayes (11)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, Diana Laidlaw, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (9)—The Hons L.H. Davis, Peter Dunn, I. Gillfillan, K.T. Griffin, J.C. Irwin, R.I. Lucas, Bernice Pfizner, R.J. Ritson and J.F. Stefani.

Majority of two for the Ayes.

Motion thus carried.

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

The House of Assembly intimated that it did not insist on its amendments Nos 2 and 3 to which the Legislative Council had disagreed, but had made the following alternative amendments in lieu thereof:

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

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

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

(2) This section does not apply to—

- (a) the identification of a former juror with the consent of the former juror;
- or
- (b) the publication or broadcasting of such material or matter after the expiration of six months from the completion of the trial and any appeal proceedings relating to the trial.

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

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

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

Penalty \$8 000 or imprisonment for 2 years.

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

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

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

Consideration in Committee.

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

That the Legislative Council agree to the House of Assembly's alternative amendments.

The remaining issue in dispute between the Houses is the confidentiality of jurors' identity and the confidentiality of jury deliberations. As members know, I have previously resisted the inclusion of specific provisions in either the Juries Act or this Bill which would prohibit people talking to jurors about what happened in the jury room. I have maintained, and I think correctly, and I still think correctly

(I want to make that clear), that there is no need for these provisions in the South Australian context.

We have not had any abuses so far as I am aware. If there were abuses, although an imprecise way of dealing with it, contempt of court would be able to deal with gross abuses but would be sufficiently flexible to allow legitimate research and journalistic activity at the appropriate times, etc. That is the position I put in 1984 in relation to the Juries Act and in relation to this Bill when it has come up previously. I want to make it clear that that is still my personal preference and the Government's preference.

The alternative amendments that have now been made by the House of Assembly to the original proposition certainly improve the provisions that it was sought to insert, in particular, with respect to the disclosure of the identity or address of a juror. The prohibition on that disclosure is for a period of only six months from the completion of the trial and any appeal proceedings. There is a complete blackout on the disclosure of the identity or address of a juror for six months. It applies, during the trial, of course, and for six months after any appeal proceedings have been concluded.

That overcomes the problem with the earlier provision which prohibited the disclosure of the identity or address of a juror for all time, resulting in a complete ban for ever. If 10 or 15 years after a case one happened to say to someone, 'I knew X was on the jury,' one would be guilty of an offence. I did not think that was acceptable and this amendment at least modifies the position by applying a time limit.

Amendments have also been made in the House of Assembly to the rigors of the previous proposition that would have made soliciting information from a juror a criminal offence and, as I said before, it could have meant that a spouse inquiring of a spouse when they got home from jury service, or a child asking a parent what they did during the day if they were on a jury, was a criminal offence. It was too broad and obviously would have impacted on people who were legitimately researching juries, journalists who might be looking at cases, etc. The new provision moved by the House of Assembly confines the offence to harassing a juror or former juror—

The Hon. I. Gilfillan: What does that mean?

The Hon. C.J. SUMNER: It is the same as the honourable member voted for in respect of sexual harassment. The word is in the law quite clearly, and obviously it has to be interpreted by the courts. It would bear its normal English usage and, to my way of thinking, it means continual unwanted attention. That is the way, you might recall, it was discussed in the context of sexual harassment. 'Harasses' is not a word that is unknown in the statute books of this State. It has been used before.

The Hon. K.T. Griffin: It is not mere soliciting.

The Hon. C.J. SUMNER: No, it is not merely asking, but it might be if the person is asked 10 times. In other words, a person asks a juror, 'Will you give me this information?' The juror says, 'No'. If the person goes away, no offence is committed. However, if the person comes back and the juror says, 'Go away', and subsequently the person keeps coming back at some point, obviously, it will become harassment. That is what is now being prohibited. The other thing being prohibited is that a person who gives, offers or agrees to give a material benefit as a reward or inducement for disclosure of information about the deliberations of a jury is guilty of an offence. So-called cheque book journalism in this area would also be prohibited.

There were a number of other versions of the draft floating around, but I do not think there is any need to go into

those, unless members want me to. There was a suggestion that a juror ought also to be guilty of an offence if he or she solicited money for giving out information about the jury room deliberations, but the feeling was that this was here to protect jurors, not to condemn them. It was felt that making the offence relate to the person who harasses, that is, the non-jury person who harasses the juror or the person who gives, offers or agrees to give material benefit to a juror should be the person to whom the offence is directed.

I cannot say that I am overjoyed with these amendments but, obviously, discussions have taken place. I had lengthy discussions with the member for Elizabeth. The Liberal Party, through him, at least, was party to those discussions, and the Liberal Party in the House of Assembly was firm in its view that it wanted these options. The Government had no choice but to compromise, in my view, if it wanted to save the Bill. This is the compromise that has been agreed to. I would prefer it to be left to the provisions of contempt of court, but Mr Evans pointed out that he has had a long interest in this and indicated that he had moved similar amendments in 1984, at which stage he did not have the numbers to carry it.

He is now in a position to exercise significantly more influence in the Parliament than he could in 1984 and, in combination with the Liberal Party, is insisting on amendments of this kind. So, in the spirit of compromise or, perhaps, acceptance of the realities of life, the Government has agreed to this. The only other point I make is that my advice is that the general contempt of court provisions would still apply. This is not a code that would exclude contempt of court. There is nothing in it that says that contempt of court is excluded, so if the court still felt after the six months that the disclosure of the identity or address of a juror was a contempt, it could take action, although the likelihood of that happening would be very slight. So, with reluctance, I commend these proposals to the Council.

The Hon. K.T. GRIFFIN: I support the motion of the Attorney-General. As members know, I proposed amendments to the Juries Bill when it was before us in the early 1980s, not in a form identical with this but following some of the provisions that had been in place in other States, to reinforce the position of juries and jurors. Until now it has not been successful. I understand the point of view of the Attorney-General, that he accepts this reluctantly and prefers to rely upon the general law of contempt which he acknowledges to be broad—

The Hon. C.J. Sumner: And flexible.

The Hon. K.T. GRIFFIN: —and flexible, but notwithstanding that it is helpful to have something more specific in the law in relation to juries, and that is why I am pleased that what is now before us goes a long way towards meeting that concern. As the Attorney-General indicates, we are now talking about persons without lawful authority wilfully publishing any material which is likely to lead to the identification of a juror, and that will guard against inadvertence. It also provides that, where a juror is identified with the consent of the former juror, that is quite in order. I am comfortable with the six months time limit on the embargo so that it is not in place for all time.

In relation to harassment, I acknowledge that there could have been some difficulties with the focus on soliciting, but now that harassment is the focus, and that means really a series of actions which take it further than the mere asking or the mere soliciting in some other way, that is an adequate protection for citizens in reasonable circumstances as well as protection for the media, who did raise some concerns initially about the breadth of the amendments when they

were first approved by the House of Assembly. So, the compromise which has been reached is reasonable and I am happy to support it.

Motion carried.

SUBORDINATE LEGISLATION (EXPIRY) AMENDMENT BILL

The House of Assembly intimated that it did not insist on its amendment No 5, to which the Legislative Council had disagreed.

PRIVACY BILL

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: I flag that, when we debate the provisions relating to the Privacy Committee, I will need to seek advice from Parliamentary Counsel in relation to some amendments which I have on file and which I do not think are quite right. At some stage, I will want to either report progress or, in the course of the debate, sort out one or two amendments. In general terms I have had an opportunity to speak at length about the position of the Liberal Party in relation to the Bill. That will not mean that I will not want to elaborate on some of the things I have said in relation to specific clauses, but it may also mean that I can short circuit some of my proposals.

The Hon. Mr Elliott suggested in his contribution that I ought to think about some amendments and I have done so. I will move amendments, but in the same context that I moved amendments to the gaming machine legislation. The Liberal Party has made clear that it does not support the Bill and will not support the third reading. Nevertheless, some of my amendments will improve the Bill, in some instances will limit the scope of the Bill and in other cases will clarify some matters. My amendments will not necessarily cover all the problems that the Liberal Party sees with the Bill.

So, whilst I focus on some amendments, that does not mean that I readily accept the unamended provisions in the Bill. So long as that is clear, we will know where we stand. In relation to clause 1, will the Attorney-General indicate to which Minister the Bill will be committed? I note from the 1991 report of the Privacy Committee that the Privacy Committee is now the responsibility of the Minister of State Services. If the Privacy Bill gets up, who will have the responsibility for it?

The Hon. C.J. SUMNER: The determination of administrative arrangements within Government, as the honourable member would know, is a matter for the Premier. At the present time, he has allocated the responsibility for privacy to the Minister of State Services. I assume that that will continue, but it could be changed at any time.

The Hon. K.T. GRIFFIN: Is this Bill likely to be committed to the Minister of State Services?

The Hon. C.J. SUMNER: Yes, and that is where the freedom of information legislation is at the moment.

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 9—Insert heading as follows:

PART I PRELIMINARY.

Quite clearly, given some of the additions that I have made to the Bill, there is a need for some change in structure, and that is really what the insertion of this heading is all about.

The Hon. C.J. SUMNER: It is accepted.

Amendment carried; clause as amended passed.

New clause 1a—'Commencement.'

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

Page 1, after line 11—Insert new clause as follows:

1a. This Act will come into operation on a day to be fixed by proclamation.

This introduces a proclamation clause.

The Hon. K.T. GRIFFIN: It raises the question: if the Bill passes, when is it likely to be proclaimed to come into operation and will there be any partial suspension of any provision of the Bill, perhaps relating to the Privacy Committee or some other part? If so, what is likely to be suspended?

The Hon. C.J. SUMNER: We do not have a date in mind at this stage, but we would have to set up the Privacy Committee, look at resource implications, and so on. At this stage I certainly do not envisage a sequential proclamation, but I cannot give a definite date.

New clause inserted.

Clause 2—'Interpretation.'

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 13—Insert new definition as follows:

'agency' means agency as defined in the Freedom of Information Act 1991.

The various amendments that I am making to clause 2 (and I will talk to the others at the same time) are largely amendments that have become necessary because of the role played by the Privacy Committee. I have not cross-indexed all these amendments back to the clause at this stage, so we will probably have to deal with them in reverse, but I suggest that these two insertions are necessary for later clauses and perhaps the issues could be debated when we deal with them.

The Hon. C.J. SUMNER: I accept the amendment.

The Hon. K.T. GRIFFIN: I move:

Page 1, after line 13—After '1991' in the proposed definition of 'agency' insert as follows:

, but does not include:

- (a) a court or tribunal (including a body empowered by statute to take disciplinary action against any person);
- (b) a university;
- (c) a person who holds an office established by an Act;
- (d) a municipal or district council;
- (e) a corporation sole unless it is constituted of a Minister of the Crown or a person appointed by the Governor or a Minister of the Crown;

or

- (f) a body corporate unless a majority of its members are appointed by the Governor or a Minister of the Crown.

I always find it difficult when, dealing with legislation, one has to go to other legislation to find out what a definition is but, on the basis that that is the way this will operate, I thought it appropriate to include an amendment to the description of 'agency'. If one goes to the Freedom of Information Act, one finds that an 'agency' means:

- (a) a Minister of the Crown;
- (b) a person who holds an office established by an Act;
- (c) a body corporate (other than a council) that—
 - (i) is established for a public purpose by, or in accordance with, an Act;

and

- (ii) comprises or includes, or has a governing body that comprises or includes, a Minister of the Crown or a person or body appointed by the Governor or a Minister of the Crown;
 - (d) an unincorporated body established by the Governor or a Minister;
 - (e) an administrative unit under the Government Management and Employment Act 1985;
 - (f) the Police Force of South Australia;
- or
- (g) a person or body, controlled by the Crown, or an instrumentality or agency of the Crown, declared by the regulations to be an agency.

It does not include an exempt agency. An 'exempt agency' means:

- (a) any council;
- (b) a person or body referred to in schedule 2;
- or
- (c) an agency declared by regulation to be an exempt agency.

I do not think there is any difficulty with the definition of 'agency' so far. The schedule identifies bodies such as Parliament, the Legislative Council, House of Assembly, officer or committee of the Council or Assembly, royal commission, State Bank, SGIC, Auditor-General and a number of other persons, officers or bodies. However, in section 6 of the Freedom of Information Act, courts and judicial officers of courts are not to be regarded as agencies or parts of an agency, nor is the registry to be part of an agency. It seems to me that if we merely adopt the definition of 'agency' in the Freedom of Information Act, it is possible by virtue of that definition alone to extend it to courts and tribunals, and I do not believe that courts and tribunals ought to be covered by the Privacy Bill if it is passed.

So, what I have sought to do, accepting that the Hon. Mr Elliott's amendment takes that definition of 'agency' in section 4 of the Freedom of Information Act, is to put in some exclusions, such as a court or tribunal, including a body empowered by statute to take disciplinary action against any person; a university; a person who holds an office established by an Act; a municipal or district council; a corporation sole unless constituted by a Minister of the Crown; a person appointed by the Governor; a Minister of the Crown or a body corporate unless a majority of its members are appointed by the Governor or a Minister of the Crown.

I will deal with each of these separately. I do not think there is any difficulty about a court or tribunal. I do not think that the Privacy Bill ought to apply to the Planning Appeal Tribunal and it certainly ought not to apply to the courts. I do not think that the Legal Practitioners Disciplinary Tribunal, for example, should be covered by the provisions of the Privacy Bill. It has its own structure.

There is a reference to the Medical Board in the 1991 Privacy Committee Annual Report where the Crown Solicitor had apparently given some advice to the Medical Board that was not governed by the Government's administrative information privacy principles. However, I suspect that if we adopt the definition of 'agency', it might be subject to the Privacy Bill, so it is not a self-contained board. On that occasion, in the Privacy Committee Report, the committee apparently received a complaint from a person alleging that the Medical Board would not give him access to his records. He complained about a doctor's conduct, which was subsequently dropped by the board. As I said, the Crown Solicitor said that the Government's information privacy principles did not apply. I do not think that the Privacy Bill should apply to such bodies and thus the information privacy principles included in the schedule.

When we were making our initial contributions on clause 1, I interjected that a university would also be covered by the Bill if the definition proposed by the Hon. Mr Elliott were included. I do not believe that universities have been consulted about the application of the information privacy principles. If they are to be bound by the Bill, I think that they ought to be consulted.

As regards a person who holds an office established by an Act, the Chancellor of a university holds an office established by an Act. Again, I do not believe that those principles ought to apply. If they are to apply at some stage in future, if the Bill is passed, there ought to be an amendment which addresses that issue after proper consultation to see

what sort of issues it would raise within the Chancellor's office, the Vice-Chancellor's office or the university.

As regards a municipal or district council, the Attorney-General has an amendment on that which would have the effect of excluding this legislation from applying to councils. There are corporations sole, as I recollect, which are not constituted of a Minister of the Crown, a person appointed by the Governor or a Minister of the Crown. They are limited but not agencies of the Crown strictly so-called, and I think that they should be excluded.

With regard to a body corporate, the definition of 'agency' extends to a body corporate that is established for a public purpose or comprises or includes, or has a governing body that comprises or includes, a Minister of the Crown or a person or body appointed by the Governor or a Minister of the Crown. Let us take the Law Society Council. I am not seeking to pursue a vested interest; it is an example of which I know. The Attorney-General is an *ex officio* member of the Council of the Law Society. That is a body corporate by statute. I cannot believe that anyone would want to impose the information privacy principles upon the Law Society which, by no stretch of the imagination, could be regarded as an agency of the Crown. There are other bodies corporate established for public purposes. The governing bodies of the universities are so established, but they may not necessarily include persons appointed by the Governor or a Minister of the Crown.

The University of South Australia's council members are appointed by the Governor on the recommendation of a Minister, so there are a number of agencies or bodies where I do not believe it is appropriate to apply the information privacy principles. As I understand it, it was not the intention to go beyond what one would normally regard as the Government sector for the application of those principles. It was with that in mind that I moved the amendment to the amendment of the Hon. Mr Elliott.

The Hon. C.J. SUMNER: I oppose the proposal of the Hon. Mr Griffin. In fact, the Law Society is covered by the Freedom of Information Act.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It is covered by the Freedom of Information Act but, in any event, it is therefore covered by at least one information privacy principle. The Government does not see why these bodies should be exempt from coverage of the privacy principles and, accordingly, would not support the amendment.

The Hon. M.J. ELLIOTT: The fact that all these bodies are covered by the Freedom of Information Act makes one wonder what special problems are produced by coverage under this Act. To some extent this Bill will tackle the same problem from the other end. They are all about information: one is about protection of information and setting certain rules about keeping and collecting information, and the Freedom of Information Act is about how you go about getting particular sets of information. They are really two ends of the same stick, and I think a very special reason must be produced as to why an agency that is covered by one principle should not be covered by the other.

Two or three days ago—and I am losing track of the days and nights at this stage, but I have a feeling that it was this week—we talked about the possibility of excluding councils in the short term, although I have a feeling that the Attorney-General might have had an amendment along those lines, and that will come up later. However, in speaking with representatives of local government, they said that they accept they would be covered under this Act eventually, and they did not see that it would create any special difficulties in the long term, but they wanted a chance to talk.

We have been talking about the university, and I was told today that the universities are probably the best of any of the organisations in this State under the Freedom of Information Act. They handle that Act extremely well, and I do not see that they, as an example, will have any special problems produced by this particular Bill. Therefore, I am not supporting the amendment other than noting that, in relation to councils, an undertaking was given a few days ago that exemptions be granted there, but I think an amendment is coming up later which will pick up that matter.

The Hon. K.T. GRIFFIN: All I can say is that I am staggered that the burdens of the information and privacy principles, which do not presently apply to any of these bodies, will now be applied without any prior notice or consultation.

The Hon. Mr Griffin's amendment negated; the Hon. Mr Elliott's amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 15—Insert new definition as follows:

'the Committee' means the South Australian Privacy Committee.

This makes it clear that the committee in the Bill is the South Australian Privacy Committee, which is the second component of the Bill, other than the tort, and it will have the role of supervision of keeping the information in Government databases and a more general role of looking at privacy in the State in a similar fashion to the way in which the Privacy Committee functions in New South Wales.

The Hon. C.J. SUMNER: The amendment is accepted.

The Hon. K.T. GRIFFIN: I have no difficulty with the Privacy Committee as such provided its functions are limited to the Government sector. Whilst I will not raise any objection to this definition, I flag that the support that the Liberal Party gives is conditional upon its operation being limited in that way.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 15—Insert new definition as follows:

'Information Privacy Principles' means the Information Privacy Principles set out in the schedules.

The Committee will debate these principles in more depth later, but their purpose is indicative only and their strict application is to Government agencies and not to other bodies.

The Hon. K.T. GRIFFIN: I will not raise any objection to the definition although I will raise some questions later about the information privacy principles. The Hon. Mr Elliott ought to get his description accurate. It is not applicable only to Government agencies. It is applicable to agencies under the Freedom of Information Act which is very much wider than the strict reference to a Government department or agency. It has much wider application than what we would regard as the organs of Government.

The Hon. C.J. SUMNER: The amendment is accepted.

Amendment carried.

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

Page 1, after line 15—After the definition of 'Information Privacy Principles' insert new definition as follows:

'the investigative authority' means—

- (a) in relation to a complaint under this Act referred by the Committee to the Police Complaints Authority for investigation—the Police Complaints Authority;
- (b) in relation to a complaint under this Act referred by the Committee to the Ombudsman for investigation—the Ombudsman;
- (c) in any other case—the Committee.

This amends the amendment moved by the Hon. Mr Elliott, which the Committee has just passed, and inserts a new definition of the investigative authority. This definition is necessitated by amendments which come later to the role

of the Ombudsman and the Police Complaints Authority, which I will briefly explain now.

Some of the Hon. Mr Elliott's amendments may appear to place the privacy committee in a position to override the discretion of the Ombudsman and the Police Complaints Authority in carrying out their investigations of complaints. The Government believes that the committee, the Ombudsman and the Police Complaints Authority can be given powers and functions which complement each other, and this amendment becomes relevant when considering amendments which I will propose to, among others, new clause 22.

The Hon. M.J. ELLIOTT: I accept the amendment. The intention explained by the Attorney-General was my intention.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 15—Insert new definition as follows:

'journalist' includes any person who collects information for publication by a media organisation.

This definition is meant to be quite broad, and it was my intention that media photographers would be included in it. Does the Attorney have the impression that they would be picked up under the amendment?

The Hon. C.J. SUMNER: I think it would cover photography; that could be classified as information. If there is any doubt about it I suppose we can have another look at it.

The Hon. K.T. GRIFFIN: I have no difficulty with the amendment because it is part of a package of amendments that will limit the operation of the Privacy Bill—certainly not limited as much as I would want it limited but nevertheless it is limiting, and any limitation is a good thing in my view. The definition of 'journalist', as the Hon. Mr Elliott indicates, is very wide: it is any person who collects information for publication by a media organisation.

'Media organisation' is an organisation that publishes by means of the press, radio or television, and I think that that also is fairly wide. However, as I indicated in my second reading speech, I think that that definition does raise some questions about whether it is, for example, the *Advertiser* Newspapers Ltd or the Southern Television Corporation Ltd, or whether it applies to anybody who advertises because they publish by means of the press, radio or television—anybody who uses the press, radio or television, and maybe letters to the editor or whatever, is actually publishing by means of the press, radio or television. So, that can be fairly wide as well, although it does raise questions about whether the in-house company newsletter, the departmental newsletter or publications such as that are within the description of the press.

I would be interested to hear the Attorney-General's observations on that to determine whether he thinks it is a limiting or a very expanded meaning. However, one presumes that a person who collects information for publication by a media organisation might even be a person on the switchboard who takes a tip and passes it on to a journalist or a librarian who collates or gathers information for publication. The description of 'journalist' could cover all of those. The Hon. Mr Elliott might wish to comment on it and I would appreciate any observations from the Attorney-General as to the scope of the two definitions read together.

The Hon. M.J. ELLIOTT: I think it is probably important that the Hon. Mr Griffin also looks at how 'journalist' is used within the Bill itself. I will be moving an amendment to page 3, after line 3, subclause (h), which refers to anything done by a journalist in his or her capacity as a journalist. In this context, while it is suggested that we can talk about

a person who is advertising in a paper, the way 'journalist' is used the protection will extend only to a person who is carrying out a journalistic exercise.

Progress reported; Committee to sit again.

[*Sitting suspended from 8.58 p.m. to 2.35 a.m.*]

GAMING MACHINES BILL

In Committee.

Bill recommitted.

Clause 3—'Interpretation'—reconsidered.

The Hon. ANNE LEVY: I will use this opportunity to explain the purport of the amendments as many of them are consequential to a change in principle in respect of the control of gaming machines in this State. The amendments are designed to ensure that manufacturers and importers of poker machines will not be allowed to deal directly with hotels and clubs. There will be no direct contact between machine manufacturers and those who buy them. All sales will be under the auspices of the State Supply Board.

The State Supply Board will have the sole gaming machine supply licence and it will be able to arrange for the purchase of machines from manufacturers and importers. They will be able to enter into agreements with fit and proper persons to act as agents on their behalf and I stress that all these agents will be judged as fit and proper persons and will be subject to all the vetting, controls and checks by the Police Commissioner, the Liquor Licensing Commissioner and the Casino Supervisory Authority to ensure that they are fit and proper persons to be able to act as agents of the State Supply Board to sell on their behalf to clubs and hotels that wish to buy poker machines.

I stress that the result of these amendments will be that all sales will go through the State Supply Board. In consequence, every step of the process will be under the direct control of a Government body, either the Casino Supervisory Authority, the Liquor Licensing Commission or the State Supply Board. This should allay any concerns that have been expressed by some members that there could be insufficient Government control over some steps in the process and that such Government control is necessary to ensure that no corruption can possibly occur.

In this respect, the set-up will approximate more closely that which applies under the Casino legislation. I remind those members who are not familiar with the State Supply Board of that body's role and functions. My third hat as Minister of State Services makes me responsible for the State Supply Board, which is set up by an Act of Parliament. Its role and function was recently reviewed. The review was tabled in Parliament, and the functions and role of the State Supply Board were commended in the review and by members of Parliament.

The State Supply Board itself consists of six members: the Chair, who is the Chief Executive Officer of the Department of State Services, and five other members. Two must be members or officers of public authorities or prescribed public authorities; one must be a person with knowledge and experience of private industry or commerce; one must be a person with knowledge and experience of economic and industrial development; and one must be a person nominated by the United Trades and Labour Council. What is of great importance at the moment is that, under the Act, the functions of the board are to undertake, provide for or control the acquisition, distribution, management and disposal of goods for or by public authorities.

Its role is to act as the purchasing agent for the Government for the distribution of its purchases, management of the whole question of supply for Government and disposal of Government-owned assets—not real property, of course, but other assets—held by public authorities. It also develops policies, principles and guidelines. It gives directions to Government agencies relating to the acquisition, distribution, management and disposal of goods. It directs the terms and conditions upon which goods may be acquired or disposed of. It investigates and keeps under review the practices of public authorities in relation to the acquisition, management and disposal of goods, and provides advice on any matter relevant to its other functions.

It is a highly regarded Government authority responsible for the acquisition of goods. As I say, it negotiates contracts between Government and the private sector; regularly calls for tenders covering a wide range of goods; is well versed in all business matters relating to the acquisition, buying and disposal of goods; and is an extremely ethical body which has worked long and hard and very well for the benefit of all South Australians.

The Hon. R.J. Ritson: What a load of old cobblers!

The CHAIRMAN: Order! The honourable Minister has the floor.

Members interjecting:

The CHAIRMAN: Order! The Committee will come to order.

Members interjecting:

The CHAIRMAN: Order! The honourable Minister.

The Hon. Peter Dunn: They couldn't even deliver a pencil to Graham Ingerson.

The CHAIRMAN: Order! The Committee will come to order.

The Hon. ANNE LEVY: Thank you, Mr Chairman. The purpose of the amendments, as I indicated, is to involve the State Supply Board in the purchase of all poker machines or gaming machines, if we want to be precise, from manufacturers and importers of the machines. It will be through the board and under its control that any gaming machines will be obtained by the hotels and clubs that wish to purchase such gaming machines. I stress that this is an additional level of Government control, so that all steps of the procedure from manufacturer through to the holders of gaming licences will be under Government control.

If members care to examine further the sheet of amendments required to bring this principle into the Bill, they will see that there are further refinements such that the board itself will be granted a gaming machine supplier's licence, the only gaming machine supplier's licence, and whilst it will purchase all the machines by contract or tender, it will not sell them to a hotel or club but will do so through an approved agent acting on its behalf. I stress again: all these approved agents will have been vetted by the Commissioner of Police and the Liquor Licensing Authority, and will go through the same vetting procedures as already exist in the Bill for anyone who applies to have any type of licence under the Bill.

The other amendments detail the requirements which must be fulfilled by anyone applying to act as an agent of the board. Anyone wishing to be an agent of the board cannot hold any other type of licence under the Gaming Machines Bill. In other words, they cannot hold a gaming machine licence themselves or a gaming machine dealer's licence themselves, so it will not be possible for any individual to hold more than one type of licence and be involved in more than one step in the process of going from manufacturer to final owner. Anyone who is to be an agent of the board cannot hold another type of licence themselves

and cannot be associated with someone who holds a gaming machine licence or a gaming machine dealer's licence. Associates of people applying to be agents will be considered before the agency is granted, in the same way as applies elsewhere in the Act regarding decisions on the granting of licences under the Act.

The definition of 'association' is detailed, as occurs elsewhere in the Bill. The person is regarded as an associate if that person is a body corporate, of which another licensee is a director or a member of the governing body; if the person is a proprietary company in which the licensee is a shareholder; if the person is a beneficiary under a trust, or an object of a discretionary trust of which a licensee is a trustee; if a person is a partner of a licensee or an employer or employee of a licensee; or if the person is the spouse, parent or child of the licensee. The application of these principles—

The Hon. R.J. Ritson: You call them 'principles'?

The Hon. ANNE LEVY: Yes, principles.

The Hon. R.J. Ritson: There are no principles left in this debate.

The CHAIRMAN: Order!

The Hon. ANNE LEVY: It will ensure that in no way can an agent acting on behalf of the State Supply Board be in any way associated with any holder of any other type of licence, be it a dealer's licence or a machine licence, so completely separating all the different functions in the chain and ensuring complete Government control over every step of the process. Having explained that, if there are further queries as we look at the amendments in detail, I will be happy to provide further elaboration.

I have moved an amendment to clause 3, the definition clause, which will indicate that the board means the State Supply Board. I felt it necessary to indicate the role of the State Supply Board in this Bill, and also to indicate, for those who might not be as familiar as are some with the State Supply Board, just what its role, function and importance is in this State. It is certainly a Government board that acts on behalf of the Government and has a long and distinguished history, great credibility and authority.

The Hon. R.J. Ritson interjecting:

The CHAIRMAN: Order! The Hon. Dr Ritson can enter the debate in a proper manner.

The Hon. ANNE LEVY: I move:

Page 2, after line 4—Insert new definition as follows:
'the Board' means the State Supply Board.

The Hon. K.T. GRIFFIN: The fact that we are meeting at 2.55 in the morning, after the Committee having been suspended for something like 5½ hours, while some pressure could be put upon a particular member indicates that obviously the proceedings are a farce. They are a farce in respect of the conscience vote, which the Government indicated it was allowing its members in both Houses of Parliament and which on this side we have taken and acted upon in good faith. This Bill has been around for about six months. It has had an exhaustive examination in the House of Assembly. I think a full week was taken to explore all the detail and the consequences of the legislation. It came to the Legislative Council, where it has had a very thorough going-over, and it was only at the end of the Committee stage that the Government could see the writing on the wall that the Bill would fail at the third reading stage; thus it started to scabble around to find some option which would at least give it a reasonable prospect of passing. The proceedings which have occurred this afternoon and this evening make a mockery of the conscience vote concept so far as it applies to this sort of legislation.

Let me deal with some aspects of the proposal which the Minister is moving. She has talked about the State Supply Board being the board which will be responsible for acquiring gaming machines, and then selling them or supplying them to the private sector through agents who will act on behalf of the board—agents who will be approved by the Liquor Licensing Commissioner. That introduces yet another layer to the supply and operation of gaming machines and requires an additional licence. It also compromises, I would suggest, the operations of the State Supply Board. What the Minister did not focus upon, although she did read it from the Act which establishes the board, was that this is a public sector purchasing and supply organisation. It is not there for the benefit of the private sector: it is there for the purpose of acquiring and disposing of goods for the public sector. What this proposition embodied in this amendment means is that the State Supply Board will now assume a private sector function.

One can only ask what other private sector functions will it subsequently be allotted by the Government? Will it become a quasi private sector operator in competition with other private sector organisations with respect not only to gaming machines but to any other goods which might be provided to the community at large? Of course, what the Minister does not say in relation to this proposal is that the State Supply Board will buy poker or gaming machines free of Federal sales tax. That sales tax is about 18 or 19 per cent. Over the past year, we have had some debate about one other Government agency which sought to take advantage of its special tax-free status—a subsidiary of the State Bank—to pass on benefits to its customers in the luxury car market. I find it quite objectionable that a Government instrumentality, which the State Supply Board is, should be used in a way which is proposed by the amendment and will avoid the payment of Federal sales tax.

Perhaps that is what will finance the extra layer this will impose in the structure of this legislation. The next matter to which I want to direct attention is this fiction that the State Supply Board will be the purchaser but will not be the purchaser, because the gaming machine supplier's licence is provided to the State Supply Board and authorises it to act through an approved agent to purchase from a licensed gaming machine dealer and to sell or supply to the holders of gaming machine licences approved gaming machines, prescribed gaming machine components and gaming equipment.

Subsequently, in a later amendment, the board cannot act under the gaming machine supplier's licence except through an approved agent, and I would suggest that that compromises the integrity of the State Supply Board, because it cannot have control over operations that are being conducted in its name. Anyone who knows anything about the law of principal and agent will know that the principal is bound by the acts of the agent and, although the agent is approved by the Liquor Licensing Commissioner and the agreement—

The Hon. Anne Levy: And the police.

The Hon. K.T. GRIFFIN: And the police—sure—they might be approved, but the State Supply Board has no control over the agent except, in a sense, in a monitoring capacity, because—

Members interjecting:

The CHAIRMAN: Order!

The Hon. K.T. GRIFFIN: Of course they have an agency agreement, but the problem is that the agency will act with some immunity, although it might be subject to some breach of contract action, but it will act only through an approved agent. Whatever the agent does the State Supply Board will

be bound by and possibly prejudiced by it if the agent breaches the contract because if the agent breaches the contract ultimately the State Supply Board is liable. So, it is a fiction, I suggest, and a somewhat bizarre one, that the board has liability, with actions being taken in its name, but it cannot assume ultimate control, because it can act only through an approved agent.

I think that it is a fairly clever attempt to win support for the legislation at the third reading, but it compromises the integrity of the State Supply Board and, I suggest, establishes a fiction which in practice will create more trouble than it is worth. So, I do not support the amendment. Members know that, as I said right at the beginning of the Committee stage, I do not support the Bill. I have endeavoured during the Committee stage to move amendments which I believe will improve it in the event that it passes, but I still intend to oppose the third reading. I do not believe that the propositions we are now considering will improve the Bill and for that reason I will not support the amendment.

The Hon. C.J. SUMNER: Because the Hon. Mr Griffin is opposed to the introduction of poker machines in South Australia and has consistently been so opposed, he has attempted to throw up a number of issues in relation to the Supply Board which in my view do not have any validity, because he knows now that if this is not acceptable, that is, Government control through the Supply Board, then the Bill will fail, and that, of course, is his ultimate objective. I make no point about that; that is a tactic that he is entitled to use in order to see that his ultimate objective is achieved, and it is fair enough.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I am not criticising—

The Hon. K.T. Griffin interjecting:

The CHAIRMAN: Order!

The Hon. C.J. SUMNER: Exactly, but I am just saying that you have criticised it because—

Members interjecting:

The CHAIRMAN: Order! The Attorney has the floor.

The Hon. C.J. SUMNER: The honourable member has raised questions about the Supply Board with which I do not agree (and I will address them in a minute) in order to try to create concern about the capacity of the Supply Board to do this job, because he knows that if it is not acceptable then the Bill will be defeated. I would ask members to look at it in this way. There is a category of members in the Legislative Council and in the House of Assembly who on conscience grounds have objections to the introduction of poker machines or gaming machines in South Australia; that is, they have a genuine belief that poker machines or gaming machines should not be introduced in this State. They have a true conscience or moral belief about the desirability or otherwise of gaming machines. Obviously, the Hon. Mr Griffin is in that category. Those members will oppose this Bill no matter in what form it emerges from the Committee, and they have made that absolutely crystal clear. That is the Hon. Mr Griffin's category.

There is another category of members who do not have a conscientious or moral objection to poker machines or gaming machines as such, but they have conscientious concerns about how they will be run and introduced into South Australia if they are to be introduced. In other words, it is not a moral or conscientious objection about the introduction of gaming machines, but it is a conscientious concern about how they are run in South Australia. I suggest that the majority of members of Parliament are in that category. In other words, those who have a genuine conscientious objection on moral grounds are in the minority in the

Parliament. The majority would support the introduction of gaming machines provided they can conscientiously be satisfied that the mechanisms are put in place to ensure that there is proper Government control, that the capacity for corruption is eliminated, and so on.

Members like the Hon. Mr Lucas and those supporting the Bill like the Minister were quite clear that the Independent Gaming Corporation could achieve that objective. Others, on the other hand, felt that was not adequate; they felt that the Lotteries Commission would ensure that degree of control. However, as the debate proceeded, both in the Lower House and in this place, it was clear that there was nowhere near a majority of members in support of the Lotteries Commission taking over that role in relation to this legislation. There were about five in this place and about 12 in the Lower House who supported the Lotteries Commission.

For those who do not have a conscientious objection about poker machines but who do have concerns about adequate Government control, the question was: how can that degree of Government control be achieved? I put it to all members in this place who do not have that conscientious and moral objection to the introduction of poker machines in South Australia that the question they have to address is: does this proposal overcome their concerns about controls and the elimination of corruption, and so on? My submission to members in this place who are in that category—that is not the Hon. Mr Griffin, but it is certainly other members—is that the proposition put forward by the Minister is sufficient to overcome any concerns about the adequacy of Government control. One has only to look at the comprehensive proposal that has been developed. It involves the State Supply Board, which is a Government agency and which is involved in the purchasing of material on a daily basis. This proposition clearly ensures that there is and can be—unless it is illegal—no connection between the manufacturers of gaming machines and the ultimate purchasers of gaming machines. The State Supply Board stands between them, and any direct dealings are prohibited.

By this device, I believe we have, in addition to the Liquor Licensing Commissioner and the Police Commissioner—whose role was strengthened during the Committee stages, for those people who are concerned about the levels of controls—a licence given to the State Supply Board to distribute the gaming machines in South Australia through agents. I would draw members' attention to the amendment on page 4, which deals with the sorts of controls that are imposed. It provides:

An agreement entered into by an approved agent of the board for the sale or supply of a prescribed gaming machine or gaming equipment to the holder of a gaming machine licence has no legal effect.

I emphasise that that agreement to sell has no legal effect until it is approved by the board. In other words, the State Supply Board must approve the sale from the manufacturers to the consumers of the gaming machines in the clubs and hotels. It further provides that if any money is paid and possession is taken of any machine (in other words, if there are any dealings at all, money, transfer of machines or any equipment) prior to the board's approval being given, then an offence is created. Therefore, the people involved will be guilty of a criminal offence. I would submit to the Committee that this proposal adds a very important component of control—and many were genuinely and conscientiously concerned about the sorts of allegations that have been made about corruption and kickbacks, etc., and the problems that have arisen, and we know from various reports about manufacturers and so on that this device has been developed in response to those members who wanted to

ensure that that connection was absolutely cut off, and this has achieved it.

There is a category of members in this Council who would support the introduction of poker machine extensions in South Australia if they could be satisfied about the controls. My submission to those who are in that category in the Council is that, in relation to this amendment, which has been thought out (and that is why it took some time, and I do not make any apology for that), there had to be some discussions about it during the break. I believe that it has been well thought out, and that it achieves those objectives.

The Hon. R.J. RITSON: I rise to express some concern about the processes that have occurred in the past few hours. I almost thought it might have been the Prostitution Bill, because the parliamentary process appears to have been somewhat prostituted. For the past few hours, in fact, there has been some huddling in the corridors to the extent that we huddlers could hardly find a place to huddle out of the presence of other huddlers, and that caused me to reflect back through the years on an occasion when the Hon. Lance Milne was a dissident to a Bill the Government wanted to get through (and I am not talking about private members' Bills), and throughout the Committee stage he took a certain view and adamantly stuck to certain positions which were not acceptable to the Government, and the Government suspended the House, and Mr Milne was whisked away.

I forget whether the men were wearing trench coats and broadbrim hats but he was whisked away to a free dinner with the Premier. After that salutary experience (I am not sure what was on the menu), the Council was reconvened and the matters that had been thought to be decided were recommitted and, as if on the road to Damascus, Mr Milne was converted to the opposite view entirely on all aspects of the Bill.

The Hon. R.I. Lucas: He was a Democrat.

The Hon. R.J. RITSON: Yes, but he was a human being and an honest man. Mr Mario Feleppa, although a socialist and of opposite political persuasion to me, is one of nature's gentlemen. His socialism stems from a love of humanity and I have always found him to be a man of principle. He was whisked away tonight, I am not sure whether by men in trench coats, but this Council was held here for five hours waiting until the job was done. The Labor Party ought to abandon all pretence that this is a conscience vote. It would be far more honest to say that the Government has picked up the Bill, that the Government wants it through, that the Government has caucused and that the Government demands Mr Feleppa's loyalty. That would be the honest position. I am not sure what has happened, but an air of desperation has entered this debate. When Governments introduce radical changes, they consult with the community and they leave Bills on the table for weeks or months.

The Hon. C.J. Sumner: It has been around for months.

The Hon. R.J. RITSON: Yes, but how long have the amendments that have just been drafted been around? They were drafted between 11 p.m. and now, which is 3.20 a.m. How many community leaders have been consulted about these amendments?

Members interjecting:

The CHAIRMAN: Order! Every member will have an opportunity to enter the debate. The Hon. Dr Ritson is on his feet.

The Hon. R.J. RITSON: They are obviously very crucial. En bloc, members opposite are very nervous about them.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Stefani will come to order.

The Hon. R.J. RITSON: They have given us between 3 a.m. and the rising of the Council to consult with the community and perhaps with members of the board to see whether the Government—I emphasise that because it is now a Government Bill—has consulted with the board to determine whether it is happy with the administrative implications of the Bill and whether there is a proclamation clause, because it would be sensible to wait and see whether the Government can put in place the necessary administration. The Bill probably has a proclamation date, but I have not looked at it.

The Government is obviously very nervous about this and to suspend the sittings of the Council until a member could be operated upon is very significant. The Government will not get the revenue benefits of this Bill before the next election. It will not bail the Government out of its financial difficulties, which have been caused by the State Bank and SGIC troubles. The Government has all the signs that an external force has leant heavily on a very nervous Premier, hence the huddling. I do not know what that external force is. It could be a threat of withdrawal of election funds by a powerful figure. I do not know because I have not had time to find out. Indeed, there is no time to find out between 3 a.m. and first light. The thing is starting to stink, and the public should know. I oppose the motion.

The Hon. M.J. ELLIOTT: I am not sure which emotion—anger, despair or disbelief—has overcome me most over the past couple of hours, and there have been fluctuations between the three. The Attorney has argued that a majority of members in this place support poker machines. That may be true, but I think that what needs to be recognised is that one not only needs a majority of members who support poker machines but also a majority of members who support poker machines and who are satisfied that the controls are satisfactory. I would argue that the Attorney has not addressed many of the major concerns, in terms of the sorts of controls that would be deemed necessary, in this legislation.

I know for a fact that the Hon. Mr Feleppa has said consistently that he believes that an independent body should be involved in the monitoring, and that it should not be the IGC. Yet the amendments have not addressed that matter at all; that has been ducked, and I really do not understand why. The proposal that the Government put forward in relation to a form of intermediary may be of some minor benefit, but to receive 21 amendments at about 2.45 a.m. that the Government has been working on for 5½ hours while we have watched a game of football, had several sets of table tennis and had untold apples and pears and other things to keep ourselves going while twiddling our thumbs, and then to be expected—

The Hon. Anne Levy: Some of us have been working.

The Hon. M.J. ELLIOTT: You would have to be joking!

The CHAIRMAN: Order!

The Hon. M.J. ELLIOTT: The work of this Council, but for one Bill, is finished.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.J. ELLIOTT: That is quite an amazing interjection. We were waiting to see what on earth the Government was up to. We have come back at 2.45 a.m., not a time that a person should be working after starting at 8 a.m., handling what is obviously a very important piece of legislation to this State—a piece of legislation, regardless of what side one falls on, that is taken to be very important legislation. That is obvious by the attendance in this place, and by the fact that everybody has been here to exercise their conscience vote. The Chamber has been the most

occupied that it has been for some years for any piece of legislation. It is a very important piece of legislation.

Now we have 21 amendments that we are asked to handle immediately. That is an extraordinary thing to be asking. Whilst I personally acknowledge that there appears to be some minor benefit, until one analyses the way in which it intermeshes and until one looks at each amendment and the clause that it has been inserted into, how can one be certain that the clause that one voted for is doing what one has been told it will do, and how can the Government be confident that it will do what it believes it should be doing?

How often have we seen legislation introduced into a House, amended by the Government in that House, go to the other House and be further amended, sometimes by the Government? Now, 21 amendments are to be introduced into this important Bill and we are expected to vote immediately. That is an appalling thing to ask. Frankly, I do not accept that I am being asked to vote on these amendments at this time. I believe that the essential issue of monitoring has again been ducked. If things proceed, I intend again to move the first amendment that I had on file when debate first began in relation to clause 3 and the Lotteries Commission.

The Hon. BERNICE PFITZNER: If I had any vestige of voting for this Bill it would have evaporated by now. I am most distressed to observe the tactics that have been employed to try to coerce, intimidate and bully a very upright, hard-working and honest member of this Council. I have spoken to this honourable member three or four times, and he has always told me that he would prefer a Government agency, such as the Lotteries Commission, to be involved, not the State Supply Board, which supplies pencils and rubber bands—it could be a post office, for all one wanted.

Members interjecting:

The CHAIRMAN: Order! The Hon. Dr Pfitzner has the floor.

The Hon. BERNICE PFITZNER: It may do, but the Lotteries Commission is quite different from the State Supply Board. Members opposite are asking the State Supply Board—a very simple, basic and primitive board—to monitor a very new, potentially very dangerous, very complex and complicated system. I find it quite bizarre and very insulting to our intelligence and, particularly, to the Hon. Mr Feleppa's intelligence, to have this hidden agenda to which members opposite are directing their energies. In my 30 years of public service I have never seen such tactics being employed. All members opposite have had pressures and hassles, but to try to pressure and hassle a friend on their own side to change his mind is quite—

The Hon. M.S. Feleppa: That is not quite so.

The CHAIRMAN: Order!

The Hon. BERNICE PFITZNER: Not quite so. I think the honourable member is again being quite charitable because it is in his nature. He came to me and told me how he wanted the Lotteries Commission—and particularly the Lotteries Commission—to monitor this legislation. He said that he would not accept anything else. At that stage I was thinking of voting for the Bill and for the Independent Gaming Corporation. My colleague the Hon. Diana Laidlaw told me how awful the Lotteries Commission was and how wonderful the Independent Gaming Corporation is.

Members interjecting:

The Hon. BERNICE PFITZNER: She just gave me information, yes.

Members interjecting:

The CHAIRMAN: Order!

The Hon. BERNICE PFITZNER: Perhaps I was not as nice as the Hon. Mr Feleppa, because I just took it as information. So, when the Hon. Mr Feleppa came to me, I saw him as a very noble person because he was willing to share his information with me, and we talked for quite a few hours, because I could not understand how my colleague could have such an opposite view to that of the Hon. Mr Feleppa. In the end, I was convinced because of the honourable member's honesty, sincerity and integrity that the Lotteries Commission—yes, a Government agency— would be the best. I completely changed my mind and I completely supported him. Here we have tonight—

The Hon. Carolyn Pickles interjecting:

The Hon. BERNICE PFITZNER: I just receive information from different people and then make up my mind. The source of the information is immaterial to me. Therefore, having changed my mind and completely supported the commission, I say to my friend, 'Do not have feet of clay.' Because, if you believe it, this State Supply Board is just an empty shell. It is a farce and an insult to impose it on us at 3.30 a.m. It is most insulting, to say the least. However, I realise that the Government is desperate to get this legislation through at all costs and it concerns me that it can stoop to such tactics. Perhaps that is why the community—

The Hon. C.J. Sumner: What tactics?

The Hon. BERNICE PFITZNER: The tactics of coercion, intimidation and bullying. This is my opinion, and the honourable member may express his opinion when the time comes.

The Hon. Carolyn Pickles: You're making it up.

The Hon. BERNICE PFITZNER: I am not making it up. I have had many discussions and this is my opinion. The honourable member will have the chance to stand up and have her say. I have worked with many health authorities and I have observed many people's personalities, but never have I seen such pressure being applied to a person who has thought nothing of instituting a system—

The Hon. M.S. Feleppa: Can I interrupt—

The CHAIRMAN: Order! The honourable member will have the opportunity to enter the debate in the proper manner.

The Hon. M.S. Feleppa: I would like to interject that—

The CHAIRMAN: Order! The honourable member will have the opportunity to enter the debate.

The Hon. BERNICE PFITZNER: I conclude by quoting the Good Book, as follows:

What shall it profit a man if he shall gain the whole world and lose his own soul?

The Hon. C.J. SUMNER: Many accusations have been made about this matter which I think have been totally unjustified, and certainly not justified on the facts. If the Hon. Dr Pfitzner stays in Parliament for very long, she will learn that a process of consultation goes on around Bills. It happens every day of the week. Issues are considered by members and propositions are put to members. I reject the suggestion of the Hon. Dr Ritson that that process involves men in trench coats, bullying tactics and intimidation, and I think it is offensive. I do not think it does the honourable member any credit whatsoever without knowing the facts to come into this Chamber and make those sorts of statements.

Having said that, I am quite happy to put on the record the circumstances of the discussions in relation to this matter in broad terms. As I said when I debated this issue previously, everyone in this Chamber and in this Parliament knows that there are members—and perhaps the Hon. Dr Pfitzner is one of them—who do not have to explore their consciences to see why they are voting against it. Is the

Hon. Dr Pfitzner voting against it because she has a conscientious objection to poker machines?

The Hon. Bernice Pfitzner interjecting:

The Hon. C.J. SUMNER: Just a minute. I am not going to answer the question because I do not think it is necessary. I am asking whether the honourable member or any other member is voting against this Bill because they oppose the introduction of poker machines in South Australia. There are many members who do not conscientiously oppose the introduction of poker machines in this State, and the Hon. Mr Elliott has conceded that. He believes that a majority of the Parliament is in favour of the introduction of poker machines if members exercise their conscience or if they take a moral position in relation to it. That is clear. It is clear on the numbers in the Lower House and I believe it is clear here. So, the only issue for those members is to decide what is the mechanism for conscientiously ensuring that adequate protections are involved in the legislation to overcome the fears that members have about corruption, etc.

Some members, including the Hon. Mr Feleppa, have said that there has to be greater Government control over the introduction of poker machines, and I understand his position from the debates. No doubt he can speak for himself but, as I understand his position, it was not a moral objection to poker machines as such or a conscientious objection—it was all about the mechanism to ensure proper control, so that he and others—

Members interjecting:

The Hon. C.J. SUMNER: Just a minute.

The CHAIRMAN: Order! The Hon. Mr Stefani will have the opportunity to enter the debate in due course.

The Hon. C.J. SUMNER: I am not necessarily directing the question to the Hon. Mr Feleppa but also to other members in this Chamber who do not have a conscientious objection to the introduction of poker machines but who are concerned about the mechanisms for control. Those members have argued consistently that there ought to be more effective methods of Government control. They want greater Government presence in the arena. Some thought the Lotteries Commission was the appropriate way to go and others did not.

The great majority of members of Parliament did not. So, the discussions that went on were simply what additional Government controls could be looked at to ensure that those members who were worried about the extent of Government controls could be satisfied. That was the discussion that went on. As a result of that, legislation had to be drafted, there had to be some tick-tacking about whether the amendments were satisfactory. That is the process that occurred, and that is a normal process of a democracy. If the Hon. Dr Pfitzner does not think it is, I am sorry. She will, in due course, know that that occurs.

I have been in Parliament for 17 years. This is certainly not the first time on the last day of a sitting that I have sat here dealing with some legislation which has been controversial, which we have not been able to resolve and which has been the subject of discussion, and I have left here on occasions at 6 o'clock in the morning, and I can remember doing it when the Hon. Mr Griffin was in Government. Those things happen occasionally: they are necessary to resolve issues.

The Hon. Bernice Pfitzner: It's the way you do it.

The Hon. C.J. SUMNER: You do not know the way it's done.

The Hon. Bernice Pfitzner: It's not the process. Although I'm new, I've watched in this place.

The Hon. C.J. SUMNER: I am merely telling the Hon. Dr Pfitzner that there was no justification for the extreme statements that she made—

The Hon. Bernice Pfitzner: That's your opinion.

The Hon. C.J. SUMNER: I was involved in the business, you were not.

The Hon. Bernice Pfitzner interjecting:

The CHAIRMAN: Order! The Hon. Dr Pfitzner will come to order.

The Hon. C.J. SUMNER: I did not want to get up again, because I had put my point of view, but I object strongly to the continuing accusations made by members opposite who do not know the full circumstances about what happened.

The Hon. Bernice Pfitzner: You have to know the truth.

The CHAIRMAN: Order! The Hon. Dr Pfitzner will come to order.

The Hon. C.J. SUMNER: The process was, what would be satisfactory to overcome the problems those members had about Government control. The discussions we had and the legislation that was drafted attempted to address that issue. I hope that it has addressed it for enough members, because it is directed specifically at those members who do not have a conscientious moral objection to the introduction of poker machines in South Australia.

The Hon. J.F. STEFANI: I do not wish to prolong the debate, as the hour is late. I support very much my colleagues who have spoken on this matter, and I feel very supportive of the position of the Hon. Mario Feleppa. He expressed on a Radio Italiana program that he had a view and that he held that view as a matter of conscience. The view was—and all the listeners heard—that he would support Lotteries Commission control of this legislation and that, if that was not achieved, he would not vote for the Bill. He would not support it but would allow it to lapse or be defeated. That is the position the honourable member took publicly, and I respected it. We debated other issues in relation to this legislation, but he held that view and that position, and tonight, I must say, that I had observed—and the Attorney need not deny it, because I heard what he said at the back of this Chamber—

The CHAIRMAN: Order! The honourable member will address the Chair.

The Hon. J.F. STEFANI: We have heard in this Chamber the questions and the pressure that were put, and we know that enormous pressures were put upon the honourable member so that the result for this Government could be achieved. This Government needed to change the mind of a person who was going to vote against the measure.

The Government is absolutely bankrupt. We are going down the gurgler. We have no more money. The Government is desperate to grab more money, from whatever measure is introduced and in whatever way it can. This was considered the appropriate way. Here we are with a camouflage of ideas which are devoid of credibility. We have seen an attempt to corrupt the conscience and the clear statement made to the public by the honourable member. We have now seen the attitude of this Government in its full blossom of actions behind the scenes, with the pressures, with even the Premier being involved in the process, along with the Attorney and the Minister, all heavying on the honourable member. I wish I was the person whom they tried that on. I wish I could have exchanged places, to see how far they would have got with me.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.F. STEFANI: The facts are that they have heavyed the honourable member. They have attempted in

some way to appease a position that is totally intolerable. Now we have a State authority involved without the mechanism, without consulting the Director of that authority, and without knowing whether we have the capacity to handle such a delicate and most important supply item which we have heard is subject to corruption and all sorts of influences. We have heard all that, yet this Government, at the death hour—at 3 a.m. or 4 a.m.—is attempting to pass this legislation by using these tactics. Well, Mr Chairman, if this is the method by which the Labor Government wishes to operate, I hope it will be judged by the public of South Australia at the next election.

I really mean that, because the people ought to know how it operates. They ought to know clearly that this is not the way legislation should be dealt with; nor is it the way the process of discharging conscience votes should be allowed for those members who wish to exercise their right in that process—a clear conscience vote and to say publicly that they take a particular stand and believe in it. In making that public statement and respecting that stand, those members should be allowed to proceed according to their conscience. Finally, the Italian community will certainly judge Mario Feleppa as an honest person, and they will know that when an Italian says he will do something, he generally carries that out. I strongly oppose the amendment.

The Hon. T.G. ROBERTS: I indicate that I was one of those members in the early stages who indicated a preference for the Lotteries Commission. I was put in a position of making a decision on the debate before us to choose another course, and I did that, and indicated that in my second reading speech. Certainly I was not one of those members who was heaved, intimidated—they were some of the words used; others were ‘huddles’ and ‘corruptness’—and all the other emotional titles that were put on some of the contributions. In the case of the Hon. Dr Pfitzner, I think it was an honest position that she stated, but I certainly did not have the benefit of looking at an alternative structure which has been presented to us this morning. Had I had the benefit earlier, I would have been able to match up and weigh the proposition against the other two proposals, but that was not the case. As pointed out by other members who have spoken, the position at the end of a session comes through long, exhaustive debate and discussions. I have heard the rumours around the corridors about thumb screws and all sorts of other methods—racks and those sorts of things—but it was rhetorical banter that was being played around the corridors.

There was no seriousness in the discussions. We all knew that the vote was tight and how the numbers were falling. As the Attorney has said, people fall into various categories that describe the way people feel about the delivery process. One may believe in the delivery in an orderly process so that we can match the tourism benefits derived through the introduction of poker machines as weighed against those to be introduced in Victoria. Obviously, given some of the statements made earlier, people were in a position where they were not prepared to look at the introduction of poker machines until the pressure became so great that their time had come. I think that is the way in which most people had made a decision to vote for the introduction of the machines. Most people felt that way. The pressures on the economies in the South-East of the State, in the Tatiara area and in the Riverland districts would have been so great that, if we did not agree to the introduction of poker machines with the controls under the Bill, South Australia's economy would have suffered far greater than outlined by the Hon. Mr Stefani in his emotional outburst.

Members on both sides tried to find a solution to the problem whereby the controls were such that the public of South Australia were being protected by a mix of public and private sector participation that maximised the opportunities for the introduction of machines in an orderly way. The Government has worked its way through those problems, as have members of the Opposition. It is a pity that the contributions have been somehow muddied by some of the rhetorical accusations that have come from the other side, in some cases probably based on well intentioned but misinformed information. The Hon. Mr Stefani's contribution was probably to vent his spleen, because as it is so late in the morning or because Carlton beat Collingwood. I am not sure what huddle he was in. The position that I adopted when I heard the discussions this morning about an alternative, about State Supply being the procurer of the machines, created no problems for me as it fell in line with the proposal that I supported in principle that the Lotteries Commission be the principal supplier of machines.

I have no problems at all about accepting State Supply as the alternative. Other members might; they might cloud their contributions with rhetorical political content, perhaps to grab a headline for Saturday's paper and to get a few grabs on the news tomorrow. The Government has worked very hard to do a very difficult job under very difficult circumstances. Members of the Opposition who have worked cooperatively with the Government in being able to bring about this solution have helped, and it is a pity that people have made emotional contributions, not around the content of their second reading deliveries but around the new issue of the changed circumstances in which we find ourselves.

If we as legislators cannot on our feet, in committees, in groups or in huddles (because there is something sinister in the way it was presented by the honourable member) work out the difficulties facing us by talking to each other, in the corridors, in committee rooms or in our rooms, I do not know what we are about, because that is what the drafting, drawing and debating of legislation is all about. Certainly, the timeframe as indicated by the honourable member is of concern, but it is of importance for us to put on our record our position in relation to it. Some of the hypocrisy in some of the contributions should be judged by the people of South Australia, and obviously that will be done at a later date.

The Hon. T. CROTHERS: I did not intend to enter this debate because of the lateness of the hour. I note that the galleries tonight are much more packed than is normally the case. One could be forgiven for thinking after listening to some of the contributions, that one had been transported in time and distance tonight to Stratford-upon-Avon or the Abbey theatre in Dublin, so fine were the thespian performances from some of the contributors in tonight's debate. I wonder what influence the numeracy that exists in the gallery this morning—

Members interjecting:

The CHAIRMAN: Order! The honourable member should not refer to the gallery.

The Hon. T. CROTHERS: I simply pose the question. I am amazed that the Hon. Mr Stefani and the Hon. Dr Pfitzner would believe that they have the God-given right to speak as though it were the Hon. Mr Feleppa himself who was speaking. Let him speak for himself. Is it not clear that conscience is a shifting thing; it is a comparative thing. If different accommodations are reached, one's conscience and how one views a matter from a conscience point of view can obviously change, as well. All I say is: let the Hon. Mr Feleppa speak for himself with respect to the matter we have in front of us. There ought not to be over-much debate with respect to the matter because, as I said, none of us has

the right to speak for another one. If I thought for a moment that the issue of conscience had been abrogated in any way, shape or form, my conscience with respect to the Bill might change. I do not think that has been the case, and I just hope that Mr Feleppa is prepared to put on record for himself—

Members interjecting:

The Hon. T. CROTHERS: Well, if you are silent for a moment until I am finished, we will hear him more quickly. Let us hear Mr Feleppa speak for himself, and let us not have other members prepared to speak for him.

The Hon. PETER DUNN: I guess all is fair in love and war. Tonight, we have seen a fair amount of war and not a lot of love. I believe that the technique that we have used has been wrong. I will accept defeat when I can see it, and I can see it all over the place. But I think that what has been done is wrong. The Government has had a couple of months to sort out this matter. It could not count, as it cannot count at any other time, so we find ourselves in this position at this late hour, debating 20 or more amendments, and that is totally against the system we have developed over the years.

We have people here who want to go home—forget ourselves. What about the staff who support us? I think they are entitled to go home at any time. However, to introduce these provisions at this late hour is quite wrong. I just looked up the State Supply annual report and I note that Mr R.L. Dundon is the Chairperson of that board. Does he know? Have you called him, Minister? Have you popped out and called him?

The Hon. Anne Levy: He was the Chairman.

The CHAIRMAN: Order!

The Hon. PETER DUNN: Have you popped out and called the new Chairman of the board? He will get an enormous shock in the morning.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Dunn has the call.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Davis will come to order.

The Hon. PETER DUNN: You really have lost the plot. There is no doubt about you lot: you have absolutely lost the plot. You have lost your integrity; you have lost your method of control. You are just running, as though someone is chasing you with a rifle: you do not know where next to jump. You are not planning ahead at all, and that has been obvious right through this session of the Parliament. I just wonder (and I am speaking to this first amendment) how that fixes the problem and puts a brake in the system. If the supplier—the manufacturer—wishes, he can quite easily circumvent the Supply Board and if he wants a kickback he will get one. The Attorney knows that, the Minister knows that and everyone in this Chamber knows that. This is something of a farce, in my opinion and, when we sit down and look at it, we can see that it does not do at all what we have been told tonight by the Minister and the Attorney. I am very disappointed in the knee-jerk reaction that has taken place to get it to this stage and to get it out tonight. I would have much preferred to come back next week.

Because of the very poor management of this Council by the Government, we have doubled the sitting time we had planned when we started in March, and that just backs up my argument that the Government really does not know in which direction it is heading. The whole Bill is like that: it has gone all over the place: and I guess that happens with conscience votes. I wonder whether there is any conscience

involved. I look at a few members and recall what they told me a month or six months ago, and I wonder whether they will be able to look me in the eye later on. I do not support the amendment for the reasons I have outlined.

The Hon. R.R. ROBERTS: I rise to support the amendment, because I believe the amendment and its effect are what we ought to be talking about. If we indulge in fewer theatrics and get down to the facts of the argument, it has been very clear from the attitude of the Hon. Mr Feleppa, in particular, and many other members of this Chamber that a large measure of Government control is desirable in the conduct of this industry. I will indulge myself a little by quoting what has been happening here with respect to Mr Feleppa. In particular, I would like to refer to the contribution made by the Hon. Mr Stefani, who said he was quoting what Mr Feleppa was saying in respect of his attitude to this Bill indicating that it has to be the Lotteries Commission.

I would like to pick up that point, because I made the same mistake in my second reading contribution, when I talked about the difference between my colleague Mr Feleppa and myself with respect to our consideration of the Bill. I said that Mr Feleppa indicated quite clearly that if the Lotteries Commission does not control the gaming machines legislation he will not vote for the third reading, at which point Mr Feleppa interjected and made it clear on the *Hansard* record for all to read:

To be more precise, I said it has to be Government controlled, not necessarily by the Lotteries Commission.

I put to this Chamber that the Hon. Mario Feleppa has been absolutely consistent in his approach to this matter. What we had today was a second reading process which we went through to reach a fairly settled position. At that stage the Hon. Mr Feleppa was still not convinced that those Government controls were in place. The accusation has been made that people have gone around and put the heat on Mr Feleppa and made him change his mind. I put the case that it could well be argued that the reverse has happened and that, far from resiling from his original position, Mr Feleppa has insisted on his original position that there must be Government control and that he has insisted that it go into the legislation. If people want to support the introduction of this proposition in South Australia, Mr Feleppa's position is reflected in these amendments. Far from the accusation that has been made, Mr Feleppa has not been beaten into submission by any stretch of the imagination: any sensible person would have to conclude that the Hon. Mario Feleppa has in fact insisted on his original position and has persuaded enough people to put forward a proposition that institutes more Government control. I was prepared to vote for the third reading on the other legislation, but I am more prepared to vote for this legislation now because the suggested amendments do not in any way weaken it. Indeed, they put the system under more Government control and provide less opportunity for corruption.

The Hon. L.H. Davis interjecting:

The CHAIRMAN: Order! The Hon. Mr Davis will come to order.

The Hon. R.R. ROBERTS: I think that ought to be made quite clear. I commend the Hon. Mr Feleppa. I take on board the comments made by the Hon. Mr Stefani about the Hon. Mr Feleppa. When he gives his word, he keeps it, and that is precisely what the Hon. Mr Feleppa has done in this exercise. I concur with all those on the Opposition benches who talk about the Hon. Mr Feleppa, because they are right.

Members interjecting:

The CHAIRMAN: Order! The Committee will come to order.

The Hon. R.R. ROBERTS: However, that is about the only thing they have got right. The Hon. Mr Feleppa has been honourable and consistent and has stuck by his guns. In my view, he has achieved his ultimate aim not by bullying and coercion, but by sticking to his principles and insisting on his point of view. He has persuaded those concerned to support this proposition which I believe strengthens, not weakens, the legislation. I believe it should be supported on the basis that it is improving what we started with. If everybody is so keen to get out of this place, I suggest that they support the amendments and we get on with the job.

The Hon. M.S. FELEPPA: I must thank many members, as well as many people behind me, and at the same time apologise for holding them up until 4 o'clock on Friday morning. I particularly thank the Hon. Dr Pfitzner for her nice words and my friend the Hon. Julian Stefani, with one qualification. Although I have been under pressure, I have been able to sustain a self-imposed pressure, not from others. It was a moral pressure. Therefore, I cannot really recall what I said on the radio when I had the privilege to have that amicable debate on the issue. However, I can assure honourable members that, because I have been consistent, I doubt whether I would have said anything different on the radio program. However, I indicate to the Hon. Julian Stefani that I will check on that matter.

I would have much preferred to be successful with my amendments as I indicated when we began this debate. If I had been successful, possibly we would not still be here debating this Bill. My choice as a Government authority would have been the Lotteries Commission, and I say to the Hon. Dr Pfitzner that would still be my preferred choice. However, having now been through all the lobbying and the prostitution in the politics of this Bill. I recall what my friend the Hon. Ron Roberts said about having to be here for some time before he could learn the tricks in politics. I had to be here for 10 years before I could learn about the prostitution in politics. It is true that I have lobbied a number of honourable members, it is true that I have often talked to the Hon. Dr Pfitzner and it is also true that, more than anyone else, I have talked to my colleague the Hon. Mike Elliott.

All I wanted to achieve at the beginning was the opportunity to exercise my conscience vote with the objective in mind that I support the poker machines legislation, provided they were introduced under strict Government control. So I have done a certain amount of lobbying and, as I have learned, lobbying in politics is quite normal. So I make no secret of that—no secret.

I will go back and rephrase what I have already said: I introduced a number of amendments, particularly starting from clause 3, when I sought to insert into the Bill the definition of the Lotteries Commission. I found that I had only six votes. I did not have more than two votes from the Liberal side, and I was disappointed. When I heard all this debate tonight in my favour, I am certainly thankful to you all, but I would have preferred that you had come to my rescue at that time.

I apologise if I have been the cause of holding you up until this time on Friday morning, but it is because I have insisted on things in relation to the Minister in this place, the Premier and the Minister of Transport—who was the architect of this Bill, and I make no secret of that. What I have tried to achieve is what I have said all along, that is, Government control. You may disagree that the State Supply Board is a proper control. Well, you can still be in time

to guarantee instead that we can have the Lotteries Commission during the democratic process of introducing the amendments, and I will support you.

Having said that, I also put on the public record that I was rather surprised at one particular member of the Opposition, namely the Hon. Mr Trevor Griffin, because at all times he crucifies pieces of legislation in this Chamber. He goes through every single word, even the punctuation, if necessary, in order to make everybody sleep on the benches. Therefore, I was rather amused when he accidentally overlooked some of the important clauses in the Bill, namely, clause 14. The Hon. Mr Griffin has not introduced any amendment in respect of that clause, through which I tried to rectify some of our concerns in relation to the infiltration of criminals into the industry and, indeed, it has been on that ground that I, with my colleagues in the Government, have insisted that there be something under Government control before I would consider accepting the Bill. And that is what I have done, because I have separated the direct communication from the manufacturer to the clubs, hotels and organisations that may wish to purchase the machines, to the extent that I think I have achieved the best that I could have achieved.

It is not what I would like to have achieved, but that is what I did. If you want to achieve better than I did, all you have to do is move an amendment, support it for the Lotteries Commission, and I will give you my hand. I would like to say many more things, but it is 4.10 on Friday morning and, rather than be here, I would prefer to have a nice plate of spaghetti.

I am surprised that the Hon. Trevor Griffin did not scrutinise entirely this piece of legislation because, on the Opposition front bench, he has always expressed his deep concern about criminals. For a couple of years and more, the Opposition has called for select committees, for a royal commission and for the National Crime Authority to investigate corruption. In this very instance, we have seen an allegation of corruption against my colleague the Hon. Barbara Wiese. If that is not an allegation of corruption, someone should explain to me what that farce has been all about. I might say more before the third reading debate, but I am willing to see what support members opposite can give me if an amendment for the Lotteries Commission is moved.

The Hon. I. GILFILLAN: I move:

That the Committee report progress and seek leave to sit again.
Motion negatived.

The Hon. R.I. LUCAS: It seems to be the morning for saying nice things about the Hon. Mario Feleppa.

The Hon. K.T. Griffin: It will give him a swollen head.

The Hon. R.I. LUCAS: Yes, it might. As my colleagues do, I must respect the honesty and integrity of the Hon. Mr Feleppa, and I respect the integrity of the remarks he made, with the exception of his criticism of the Hon. Mr Griffin. I think that he was much too hard on him. If one looks at the number of amendments and the amount of time that was spent perusing the legislation, one will find that no other member in this Chamber spent more time in trying to change the Bill that is before us this morning.

Some seven or eight hours ago I was in a position to vote in accordance with my conscience on the third reading of the Bill. As I indicated all the way through the debate, I intended to support the legislation for the reasons that I laid down. What I now have to do in considering this first amendment, which I hope most members will agree is a test case for the four page package of amendments that is before the Committee, is to see whether those amendments cut across the major principles and the major reasons for

which I was prepared to support the legislation seven or eight hours ago.

In addressing those issues, I will not respond to the very kind invitation extended by the Hon. Mario Feleppa to switch my position in relation to the Lotteries Commission. As the Hon. Mr Feleppa knows, we have had discussions about the merits or otherwise of the Lotteries Commission and other agencies. He knows my position. I have been honest and frank with him about that and I indicated my views in relation to that package of amendments in the Chamber and privately to him. So, whilst I thank him for his kind invitation, I will not respond by changing my position on that key issue and I trust that, if we do go down that path again, we do not have the same lengthy debate.

It is clear from the package of amendments now before the Committee that one of my essential requirements, namely, that the monitoring licence be held not by the Lotteries Commission but by the Independent Gaming Corporation, has not been touched. That is not part of the package of amendments. It is also clear that the package of amendments that I moved successfully two or three days ago about the Independent Gaming Corporation, that, if it is to hold the monitoring licence, it will not be able to hold other licences, remains intact and part of the Bill. It is not a part of any amendment that is before us in this package. Therefore, I need to address the essential elements of what is now before us. I think that there has been a lot of debate about other issues, and I want to return to the essential elements of what this new structure is to be.

My understanding, if I can put it as plainly and simply as possible, is that, whereas under the Bill that existed seven or eight hours ago Ainsworth or any other gaming machine manufacturer which was successful in getting a dealer's licence might have been able to sell directly to the Jens Hotel back in my home town at Mount Gambier, under this new scheme of arrangement it will not be able to do so. I understand that the Hon. Mr Feleppa has indicated publicly on a number of occasions that he has always held the concern that the manufacturers of gaming machines ought not to be able to trade directly with pubs and clubs such as the Jens Hotel in Mount Gambier.

I was satisfied with the scheme of arrangement that existed before, but I need to look at the scheme of arrangement that the Minister is now offering to this Committee, that is, that there will be the institution of the State Supply Board and a licensed agent arrangement underneath the State Supply Board. It is quite clear from the package that the State Supply Board, as a Government agency, cannot use public money to purchase gaming machines from gaming machine manufacturers such as Ainsworth, IGT or any other manufacturer. So, I am comfortable with that because one of the reasons I opposed the Lotteries Commission's model was because I steadfastly opposed taxpayers' money being spent by a Government agency in the purchase of poker machines. So, that element remains as part of this package.

The licensed agents will not be Government agencies, although they may well be cooperatives or pubs and clubs. Perhaps the 20 or so hoteliers in the South-East may form themselves into an organisation and apply for an agent's licence. They have to go through all those controls that the Minister has talked about—the Liquor Licensing Commissioner, perhaps the Police Commissioner, the State Supply Board and all these layers of Government regulation and control. So, if that cooperative, or the Hotel and Hospitality Industry Association, is successful in being an agent under—

Members interjecting:

The Hon. R.I. LUCAS: I have read the amendments and it can. For example, if the Jens Hotel wanted to purchase a machine from Ainsworth under the new scheme of arrangements it cannot do so: it would have to go through one of these private sector agents to purchase the machines from that gaming machine manufacturer. All those contracts would have to be approved by the State Supply Board. Again, I am relatively comfortable about that in that it would remain a private sector arrangement with the imposition of another layer, that is, Jens has to go through some sort of an agent arrangement to get to the private sector manufacturer, but Jens does not have to go to the Lotteries Commission—a Government agency which might have used taxpayers' money to purchase the machines—and purchase them in that way. From that respect I am relatively comfortable with that aspect of the package of amendments that we have before us.

There is a prohibition that any group that is successful in getting an agent's licence will not be able to be an operator of the system, that is, will not be able to have a gaming machine licence. So, if the Jens Hotel wants to operate 40 machines it could get a gaming machine licence if it passes all the tests but could not become an agent under this arrangement. Again, there is a clear distinction and a further level of control to prevent licence holders from holding too many licences or too many layers of licences. Again, that is consistent with the amendment that I moved during the Committee stage to prevent the IGC, if it holds a monitor's licence, from holding any other licence as well.

So, when I look at the package of amendments I am relatively comfortable with it. Again, whilst the Hon. Mr Feleppa comes from a different direction, it is not my preferred position because, as I said, I was prepared to vote for the third reading eight hours ago. However, in looking at the package of amendments I do not believe that it cuts across the essential elements, reasons and principles that I followed in adopting my own conscience vote on the package that existed some eight hours ago. For that reason, I indicate that I will support the first amendment that we are now discussing.

The Hon. DIANA LAIDLAW: When I supported the motion to defer the third reading I did not believe that we would still be here at this hour. However, I accept that in the process of negotiating an important Bill such as this sometimes that is necessary. I am very pleased to see that the Honourable Mr Feleppa is alive and well and that he still has his sense of humour. I must admit that I had some concern for him during those hours while we were adjourned, because I kept hearing frightful things about what was being done to him and about the pressures being applied to him. As I said, I see that he seems to be quite okay. I am in that category of members who have no moral objections to gaming machines. However, I have been concerned about a number of factors. The gaming fund was one such matter, but I lost that because I was keen to see some of the revenue generated by this measure go towards charities and people who may well be affected by some addiction to gambling.

I was also concerned about control and monitoring. However, at no time would I tolerate any role for the State Lotteries Commission, for reasons that I have outlined. This Bill is a compromise on the strong views held by many members as expressed from time to time, and I believe it is a satisfactory compromise in the circumstances. I will not go through all of the matters in the amendments. I am normally more than prepared to speak for myself, but tonight I am happy simply to endorse the remarks made by the Hon. Mr Lucas.

The Hon. ANNE LEVY: I hope I have the approval of the Committee to approach the first amendment as a test case in relation to the involvement of the State Supply Board and that we will not be reiterating the same ground on every amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons T. Crothers, M.S. Feleppa, Diana Laidlaw, Anne Levy (teller), R.I. Lucas, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (9)—The Hons L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Majority of 2 for the Ayes.

Amendment thus carried.

The Hon. M.J. ELLIOTT: I move:

Page 2, after line 32—Insert new definition as follows:

'the Lotteries Commission' means the Lotteries Commission of South Australia:

As to the amendments of the Hon. Mario Feleppa, he shared a concern I expressed in the second reading debate about the operation of the monitoring licence. I expressed my view that it needed to be a Government body of some sort. I believed that the appropriate body was the Lotteries Commission, and that was clearly the viewpoint of the Hon. Mr Feleppa at that time because, when he moved his amendments, a consequential amendment was that the Lotteries Commission was to hold certain licences: the gaming machine supplier's licence, the gaming machine monitor's licence and the gaming machine service licence.

In other words, the amendments put forward by the Minister so far have not addressed all the problems that clearly the Hon. Mr Feleppa had expressed concern about, and certainly he expressed to people here tonight that he hoped that that might get up. That is a concern that I shared with him from the beginning. While I had a different viewpoint about whether or not the Bill should succeed, we had a concurrence of views that, if it did succeed, the monitoring should not be carried out by a body directly associated with one of the other levels of the industry.

I believe that was far more important than the other matters in relation to machine suppliers and service. The most important of the trilogy has so far been neglected. For reasons that I do not fully understand, the Government has taken an incredible set on this matter. I suspect that this legislation would have gone through several days ago if it were not for the Government's insistence that the IGC hold the monitor's licence. I have been surprised and I do not understand the Government's insistence in this case, nor do I understand the insistence of the HHA on this matter.

I thought that its primary concern was to get the poker machines into its hotels and clubs. I thought that the Government's prime concern was that poker machines be introduced in South Australia, yet the Government has been willing to take this legislation to the brink on this one matter. As I said, it is totally beyond my comprehension why it has dug in on this matter. In fact, I rather suspect that the problems that have been expressed not only by me but by the Hon. Mr Feleppa would have been overcome.

Probably one other alternative body that has not been talked about at this stage, another Government body that also has the skills to carry out this function, is the TAB. While it has not been involved in the operation of poker machines, it is a skilled operator of computer systems and of very complex integrated computer systems. It is used to working in remote locations, and it has previously worked in conjunction with the hotel industry. If people still have problems with the Lotteries Commission, for whatever reason, I do not know whether it is too late to consider the

TAB. I have heard no-one express any reservations about that body, nor do I believe we have had any problems with the industry. If either the Lotteries Commission, which I am now moving for, or the TAB can be incorporated, as far as I am concerned, a major stumbling block could be removed.

The Hon. ANNE LEVY: I oppose the amendment, for exactly the same reasons as I opposed it when we debated this previously. I see no reason to reiterate my remarks.

The Hon. R.I. LUCAS: I also oppose this and do not intend to go over the reasons again. We had a long, arduous debate on this issue two days ago, or whenever it was. Everyone had strongly held views on whether it would be the Lotteries Commission or the IGC, and we listened to everyone's point of view and ended up voting. The vote in the Chamber was of the order of 13 to 6. I hope that at 4.40 a.m. we are not going to revisit every major issue we have discussed, debated and decided over the past three or four days. So without going over the argument again, I indicate my opposition.

The Hon. M.J. ELLIOTT: That is a fairly simplistic argument, because that is exactly what we are doing tonight, anyway. What these other amendments are doing is putting in a Government body, albeit not the Lotteries Commission, in relation to the supply and service of machines. That is what these 27 amendments are all about. The honourable member cannot say to me that this matter was not discussed before. Certainly, it was discussed in relation to the Lotteries Commission, but the topic was more broadly touched upon and then dismissed, so we are now debating 27 amendments that are doing exactly that. If there has been a reconsideration in relation to those two areas, it is not unreasonable that there may not have been a reconsideration of the others.

The Hon. K.T. GRIFFIN: I am having a bit of difficulty understanding the reason for the—

The CHAIRMAN: Let me clear it up for you. We opened up clause 3 and, because the clause was open, the Hon. Mr Elliott had the right to move in on it. We did not open up the Bill. When the Minister moved the Bill, she opened up specific clauses. When those clauses are opened up, they are the property of the Chamber to debate and amend. We are bound to accept the proposition that the Hon. Mr Elliott wants to put in to clause 3.

The Hon. K.T. GRIFFIN: I understand all that. It was really more a rhetorical question, but thanks for the response. I understood that we just had a debate and division about whether or not the State Supply Board should be involved. That debate encompassed the other aspects of the scheme which depended upon the State Supply Board being included in the definition clause. If that is the case, it seems to me that it overtakes the proposition that the Lotteries Commission should be included to effectively take the place of the State Supply Board. That was really what I was asking rhetorically. I could not see the logic for now moving it when I think the battle has been lost—not lost the other day but lost on the division that those of my persuasion have just lost.

The Hon. M.J. ELLIOTT: If I might respond very briefly to that; if the Hon. Mr Griffin analyses very carefully the amendments I propose, he will find that they skirt around the monitor's licence totally. The State Supply Board will play no role whatsoever in relation to that. So that was an argument, and I concentrated on that more than these other areas that these amendments now touch on. Since those other clauses have been opened up and re-evaluated by this Committee, and the test case in relation to supply and servicing has been won, I am saying that, having reassessed

those positions, the monitor's licence, which has not been examined by these amendments, is also worthy of re-examination. The Committee may disagree, but that is the proposition I am putting. The monitoring licence has been ignored totally in these amendments. It is the only licence classification that has been so ignored.

Amendment negatived; clause as further amended passed.
Clause 14—'Licence classes'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 7—

Lines 12 and 13—Leave out 'sell, supply or install' and insert 'sell or supply to the Board, or to another holder of a gaming machine dealer's licence'.

After line 14—Insert new paragraph as follows:

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

Line 19—Leave out 'technician's' and insert 'service'.

Line 20—Leave out 'technician's' and insert 'service'.

Line 23—

After 'only' insert 'one gaming machine supplier's licence'.

After 'monitor licence' insert 'and one gaming machine service licence'.

These relate to defining a new licence, the gaming machine supplier's licence. This clause refers to the licence classes and the amendments define the new licence class which I mentioned previously. All these amendments are related to that topic.

The Hon. J.F. STEFANI: In setting up this structure, will the State Supply Board be the supplier of the gaming machines?

The Hon. ANNE LEVY: The State Supply Board will have the gaming machine supplier's licence. It will be licensed to act through an approved agent to purchase from a licensed dealer and to sell or supply those machines to people with gaming machine licences, but they must act through an approved agent with every single contract being approved by the State Supply Board.

The Hon. J.F. STEFANI: Who will stock the machines? Will they be stocked by the State Supply Board or by the manufacturer and delivered direct to the sub-agent and finally to the user?

The Hon. ANNE LEVY: Any machine purchased will be from a licensed dealer and the actual machine will go to the approved agent, who will then sell it to someone who is licensed to have a gaming machine in a hotel or club. At any relevant time there will be a licensed servicer who will be there to install and check the machine before it is made functional.

The Hon. J.F. STEFANI: I do not want to prolong this too long, but my interest is, specifically, who will pay for the machine and have the responsibility of checking that the ordered machine is delivered? What mechanism will the State Supply Board install to ensure that the ordered machine is delivered? It cannot rely on paper: that is not good enough.

The Hon. ANNE LEVY: Quite obviously, the purchaser of the machine will want to be sure that he gets the machine he has ordered. Any question of his getting something different would make him rather irate. There will be inspectors under the Liquor Licensing Commission checking that, if someone orders five machines, they get the five machines that they ordered. I do not see the honourable member's problem.

The Hon. J.F. STEFANI: The problem is with the process of checking all these machines throughout the State in 1 000 locations. The machine is first ordered through the

licensed sub-agent or supply agent, who notifies the State Supply Board that they have received an order from a hotel, and the State Supply Board sanctions that purchase; is that the mechanism?

The Hon. ANNE LEVY: A club or hotel may wish to purchase five purple machines. It will approach an agent to order five purple machines. The agent will submit that order to the State Supply Board, which will approve it. The agent will then approach the manufacturer of purple machines and negotiate the supply of those purple machines. But, before that contract is valid, that will also have to be checked by the State Supply Board. The machines will then go to the hotel that has ordered them. Every machine must be checked at its site of installation. It is no good checking it beforehand, because something might happen to it in transit. This was always contemplated under the legislation, whether or not there was State Supply Board involvement. Before a machine could be installed and used, it had to be inspected by a servicer or technician licensed by the Liquor Licensing Commissioner and inspected on site. This is no different from that which we have been debating for the past few days.

The Hon. L.H. DAVIS: I shall raise a matter that was touched on briefly by my colleague the Hon. Peter Dunn. In view of the fact that the Government has introduced a radical change in the legislation in the early morning hours, and the Minister herself has made much of the fact that she is the Minister responsible for State Supply—could she advise whether any members of the State Supply Board have been contacted? Has she discussed this proposal with State Supply? Is anyone in State Supply aware of the proposal we are now debating and, if so, have they raised any matters which are relevant to the debate tonight and which may be of interest to the Committee in terms of technical difficulties and so on.

The Hon. ANNE LEVY: In view of the lateness of the hour, I have not contacted the Chair or any member of the State Supply Board but, earlier, when comments of the Liquor Licensing Commissioner were mentioned in this Council, the honourable member's comment was, 'Public servants do what Parliament tells them.' I had that remark thrown at me earlier in this debate. It was a valid comment, and I am sure that the State Supply Board will cooperate with Government instructions, as it has always done, as I am sure that it always will, and as it is required to do under its Act.

The Hon. PETER DUNN: Now that we have introduced the Supply Board, why do we need a gaming machines dealer? Who will I pay if I am a hotel proprietor and I want to buy a gaming machine? Do I pay the dealer, the Supply Board or the manufacturer?

The Hon. Anne Levy: You pay the agent.

The Hon. PETER DUNN: And the agent pays the Supply Board?

The Hon. Anne Levy: No, the agent pays the manufacturer.

The Hon. PETER DUNN: How do we stop the kick-backs? I thought that was what this was all about. We must put a stop somewhere. Why introduce the Supply Board? Why not get the Commissioner of Police to approve it?

The Hon. C.J. Sumner: Okay; that's fine.

The Hon. PETER DUNN: But what skills does the Supply Board have to determine whether or not there is cheating?

The Hon. C.J. Sumner: They will develop it.

The Hon. PETER DUNN: They will develop it! There is no doubt about you: you really are good. That is incredible.
Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Dunn has the floor.

The Hon. PETER DUNN: A group of people who are purchasing (that is their skill) and handing on are certainly not skilled in determining whether or not I am cheating as a licensed machines dealer or as the publican, proprietor or manager of a club. Who will determine that? We must put a link or a stop in it, and I thought that was what the Hon. Mario Feleppa wanted, but this does not do that. This provides that I pay the dealer and the dealer pays the manufacturer. Goodness gracious me—if the manufacturer wants to put his machines on the market he will be offering them at any old price. I thought the Supply Board was going to buy the machines so there is a definite link, they are paid out and the dealer buys them from the board. I have never been able to work out the system, because every time the machine is handled it will cost some more; these machines will cost an arm and a leg by the time we get them, with a bit of handling and commission time.

The Hon. Anne Levy: You're not interested in them; you don't want them anyway.

The CHAIRMAN: Order! The Hon. Mr Dunn has the floor.

The Hon. PETER DUNN: I have not said that: I have never said that; but I would have thought that I am entitled to ask a question about it and I would have thought that my question required a sensible answer.

The Hon. C.J. SUMNER: The situation really is getting out of hand when the honourable member somehow tries to suggest that with this elaborate mechanism we do not have in place appropriate procedures, mechanisms or structures to deal with the potential for fraud. The fact of the matter is that, no matter what we put in place, whether it is in one's daily life, a bank, an insurance company, the Lotteries Commission, the Casino or whatever, there may always be people who will attempt to engage in criminal or fraudulent activity and it is difficult in all circumstances to overcome that situation. If people actually go out and attempt to defraud people deliberately, it is difficult to deal with it. If someone tries to defraud, one has trouble combating it if they are real criminals and want to do it.

What Governments have to do, particularly in this area, is put in place as many mechanisms as they possibly can to minimise that possibility of fraud occurring. I really find it hard to believe that we could go very much further. Under the provision to which I will refer later, contracts have no legal effect until approved by the board and if moneys are paid or machines delivered without approvals the people in question are guilty of an offence. I would have thought that the Supply Board is involved. It is not just purchasing pencils, rubber bands and the like: it is involved, as it has been over very many years, in multi-million dollar purchases on the part of Governments.

Obviously an organisation like that would be alert to the possibility of fraud. I should add that the Government has recently developed and announced (and it is in the process of being implemented) a public sector fraud strategy. It is designed to identify areas where fraud might occur and to take preventive measures to ensure that the possibility is minimised. With this new function the State Supply Board will have to get in new staff. It will not do it with its existing staff because it will be a major new function. I would expect that, in recruiting staff to deal with this matter, it will recruit people with expertise in the prevention of fraud. That will be one of the roles that one would expect it to carry out, consistent with the public sector fraud strategy and the procedures which we have set out in this mechanism. In so far as legislation is concerned, I do not know how we can

go any further. The board will have to get skilled people, including people skilled in anti-fraud techniques, involved in the organisation and administration of this part of its functions.

The Hon. PETER DUNN: I thank the Attorney-General for that reasonable explanation. I come to the conclusion that the Attorney-General is not worried about kickbacks, but he is worried about whether, if I order five machines, I have five machines in my place.

The Hon. C.J. Sumner: We are obviously worried about kickbacks as well.

The Hon. PETER DUNN: But you have no mechanism to stop that. That is the first thing. There is no mechanism.

The Hon. C.J. Sumner: The contract has to be approved.

The Hon. PETER DUNN: It can be approved, but that is not the signing of the cheque. One needs to purchase it somewhere and put a brake on it. Don't you understand common business? I understand that you are aiming at trying to determine whether, if I order five machines, I have only five machines on my premises. That is a paper proposition; that is only having to sign something and having to prove it. So why worry about the State Supply Board? You are setting up specialised people. What you are endeavouring to do to accommodate the Hon. Mr Feleppa is quite horrendous. It is an amazing story and one day somebody will write a book on this.

Amendments carried; clause as further amended passed.

Clause 24—'Independent Gaming Corporation'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 10—Leave out this clause and insert clause as follows:

The State Supply Board to hold certain licences

24. (1) The Board will be granted—

(a) the gaming machine supplier's licence;

and

(b) the gaming machine service licence

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

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

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

Amendment carried; clause as amended passed.

Clause 39—'Discretion to grant or refuse approval'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 15—

After line 18—Insert new subclause as follows:

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

Line 19—Leave out 'or (4)' and insert. (4) or (4a)'.
Amendment carried; clause as further amended passed.

Clause 42—'Offence of being unlicensed'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 16, line 9—Leave out 'a gaming machine licence' and insert 'the gaming machine supplier's licence or the holder of'.

Amendment carried; clause as further amended passed.

Clause 43—'Offence of breach of emergency condition'—reconsidered.

The Hon. ANNE LEVY: I move:

New clause 43a—Page 16—After clause 43 insert new clause as follows:

43a. An approved agent of the Board must not contravene or fail to comply with a condition on which he or she was appointed.

Penalty: Division 3 fine or division 5 imprisonment.

New clause inserted.

Clause 47—'Persons who may not operate gaming machines'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 17, lines 31 to 33—Leave out subclause (5) and insert as follows:

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

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

Amendment carried; clause as further amended passed.

Clause 64—'Review of certain actions of gaming machine dealers.'—reconsidered.

The Hon. ANNE LEVY: I oppose this clause.

The Hon. K.T. GRIFFIN: Will the Minister indicate why this clause is being opposed, because it provides that the holder of a gaming machine licence, who is aggrieved by any requirement made by a licensed gaming machine dealer, which will now be the State Supply Board, can apply to the Commissioner to review the requirement?

The Hon. ANNE LEVY: No, the State Supply Board is not the gaming machine dealer. The gaming machine dealers are those who manufacture or import machines. The State Supply Board has a gaming machine supplier's licence.

Clause negated.

Clause 70—'Annual reports'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 26—After line 38 insert new subclause as follows:

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

I am sure that the Hon. Mr Griffin approves of it.

Amendment carried; clause as amended passed.

Clause 73—'Contain agreements and arrangements are unlawful'—reconsidered.

The Hon. ANNE LEVY: I move:

Page 27—

Line 21—leave out 'other person' and insert 'person other than the holder of the gaming machine supplier's licence'.

Lines 22 and 23—Leave out 'without the prior approval of the Commissioner'.

Lines 28 to 34—Leave out subclause (2) and insert subclause as follows:

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

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

Penalty: Division 5 fine.

Line 35—Leave out 'or an inspector' and insert', an inspector or an approved agent or a member of the holder of the gaming machine supplier's licence'.

Amendments carried; clause as further amended passed.

Schedule 1—reconsidered.

The Hon. ANNE LEVY: I move:

Page 31—

Leave out paragraphs (b) and (c).

Paragraph (l)—leave out the words 'a gaming machine technician's licence, or gaming machine dealer's licence' and insert 'a gaming machine service licence'.

This arises from the fact that the Bill no longer refers to technicians but to servicing.

Amendments carried; schedule as amended passed.

Schedule 3—reconsidered.

The Hon. ANNE LEVY: The Government opposes this schedule.

Schedule negated.

Bill further recommitted.

Clause 24—'Independent Gaming Corporation'—reconsidered.

The Hon. ANNE LEVY: We need to keep this clause 24, as amended in Committee, and what we have just inserted as new clause 24 must become new clause 24a. They must both be there. I move:

That new clause 24 be struck out, that old clause 24 as amended be inserted and that new clause 24a be inserted.

Amendment carried.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I have made it quite clear that I will be opposing the third reading. The course that I adopted throughout Committee was to support and move amendments that I thought were improvements to the Bill, notwithstanding that I would now take this stand. Whilst a significant number of my amendments related to penalties which did toughen up the Bill, those penalties in themselves will not prevent corruption but, hopefully, will strengthen the deterrents. Although one would hope that there would be eternal vigilance against corruption creeping into the system, probably from time to time there will be corruption and the penalties will have to be applied.

The passing of the Bill, I suggest, will result in hardship to a number of people in our community, not just to compulsive gamblers but to their families, friends, employers and others with whom they might be associated. I was talking to some counsellors who have been fairly much involved with counselling gamblers, and they were telling me of some quite horrifying stories, such as suicides and severe other detriment to gamblers and families, of the consequences of compulsive gambling. Whilst the Minister has indicated that additional funds will be made available to assist in alleviating hardship as a result of gambling, I take small comfort from that because I do not believe that the gambling opportunity presented by this Bill ought to be there in the first place.

The Bill, by the enabling of poker machines to be installed in hotels and clubs and other bodies where there are general facility licences, will mean that gambling opportunities will be even more readily accessible at the local community level than they are at the present time, and that has been proved to result in a number of persons playing poker machines becoming addicted to that means of gambling. So, the hardship will still be there.

I acknowledge that hotels and clubs, in particular, are suffering from economic hardship and I recognise that some believe that, at least for some hotels and clubs, the installation of poker machines will be a contributor towards the maintenance of their viability. I do not accept that that is the solution to all their problems. For some it may mean a revitalisation, for others in competition with them it will mean a further slide downhill. The real hardship for hotels and clubs, I suggest, is in their operating costs—payroll tax, fuel tax, WorkCover, rates, land tax, Engineering & Water Supply rates and a variety of other costs and charges—which will not be affected in any way by this legislation. I merely reiterate my opposition to the Bill and to the prospect of poker machines being so readily available at local community levels.

The Hon. PETER DUNN: The third reading of this Bill is interesting in that we are now putting multiple gambling right throughout the community—or I presume that is the case, although I have had some evidence to suggest that clubs and pubs will have to have a relatively high turnover before they will be able to purchase gaming machines. That is fine, but who will determine that? I presume it will be

the Commissioner. That is a very onerous task. The other rather interesting thing is that the per capita gambling figure in New South Wales is about \$360. In South Australia the figure is about \$190. Therefore, if we adopt that figure of \$360 per head we will have a fairly big increase in gambling in South Australia. Of course, 2 per cent, 3 per cent or 4 per cent of that money will come back into the city. Unfortunately, I think that that will be to the detriment of our small country towns. That has been my argument all along.

Our small country towns would like to see as much of that money as possible going back through their own businesses. However, it will leapfrog them back to the Government coffers. If I could be assured that some of that money would go to rural hospitals, roads, services and facilities, I would probably support the Bill. However, I have seen no proof of that. In the 10 years that I have been here I have seen very little money going back to the country from the State coffers—so much so that we cannot attract professional people to country areas. It is very difficult to attract doctors, lawyers and bankers to the country areas, because we do not have facilities. We do not have educational facilities of a very high standard, and that is pretty easy to determine when one looks at the success rate of matriculation students coming out of the city. That is just one of the issues.

I believe that this measure will just suck more money out of the country that it cannot afford at this stage, and it will come back to the city and to the control of the Government. I do not believe that the Government's record is good enough, and many people are telling me that. So, because this measure will take a huge amount of money out of the rural community, I will oppose it. If a quarter of this State's population lives in the country area and we expect this measure to return over \$50 million to the Government coffers, it is reasonable to assume that \$14 million or \$15 million will come out of the country areas. I think that they can at least expect to get that back, but I have not seen any evidence that it will go back into those areas, and so on that basis I do not believe that the Bill ought to pass.

The Council divided on the third reading:

Ayes (10)—The Hons T. Crothers, M.S. Feleppa, Diana Laidlaw, Anne Levy (teller), R.I. Lucas, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese.

Noes (9)—The Hons L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Pair—Aye—The Hon. C.J. Sumner. No—The Hon. J.C. Burdett.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

There being a disturbance in the Strangers' Gallery:

The PRESIDENT: Order! I ask that those people be removed from the gallery.

CASINO (GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 April. Page 3831.)

The Hon. R.I. LUCAS (Leader of the Opposition): Quite sensibly, debate on this measure has been left until the very controversial matter of the Gaming Machines Bill was considered by the Parliament. Obviously, this, again, is a conscience vote for all members. Some members of this Chamber

would take the view that if gaming machines are to be allowed in clubs and pubs in South Australia the appropriate amendment ought to be made to the Casino legislation. Some members oppose them in clubs and pubs and will continue to oppose any form of video gaming machine or poker machine in the Casino. So, there will be a number of different views.

Sensibly, we have left consideration of this legislation until the other Bill was debated. In a discussion I had with the Attorney-General, it was agreed by two of us—and, again, this is a conscience vote, so it is up to the majority in the Chamber to decide—that we ought to consider this as far as the third reading stage, indicate our positions but reserve our final judgment until the Gaming Machines Bill is finally processed through another place—if indeed it is—and comes back and we handle the processes in the messages.

If 'twixt and 'tween this and the other place an accident befalls the Gaming Machines Bill, then we will not have finally voted on this legislation and, if a majority of members felt that way, then it could be adjourned at the third reading stage permanently and not voted on. If the legislation is successful in passing the other place, those members whose conscience is of that view could then support this Bill at the third reading stage and we would have a final resolution.

As I said, it is a conscience vote. I indicate that I supported the video gaming machines being allowed in the Casino. There are some 750 machines there at the moment—a \$23 million investment. We did that by way of a disallowance of regulation motion some year or two ago. My view is that, if pubs and clubs are to be allowed gaming or poker machines and if the legislation passes through both Houses of Parliament, I will support this amendment to the Casino Act.

The Hon. M.J. ELLIOTT: In the scheme of things, this Bill does not really matter a hill of beans. The Government has already, by the back door initially, achieved what it set out to do. The Casino Act made it quite clear that poker machines would not be allowed in the Casino. I am fairly certain it was the Premier who was arguing, when gaming machines were introduced into the Casino, that gaming machines were not poker machines, and that, in fact, gaming machines were wonderful games of skill rather than mere games of luck and, as such, they create no great difficulties. That led to the disallowance of a regulation motion that we debated in this place some time ago.

It really was stretching the truth a great deal. There is not a huge difference between a gaming machine and a poker machine. With the gaming machines that are currently in the Casino, skilful players will not lose their money as quickly as an unskilled player, but the machines are still designed to give a margin of about 7 per cent profit on average. The skilled player probably loses at the rate of 5 per cent while the unskilled player loses at the rate of 9 per cent, averaging out at about 7 per cent overall.

This argument about these being games of skill and therefore different from poker machines was as close to a lie as there could be without actually telling a lie. However, it was by that backdoor method that they were originally introduced into the Casino. They are there: 750 of the blighters. It was from that point on that the pressure mounted which led to the Bill we have just recently debated. It was all perfectly predictable. All the promises in the world that 'We have no intention of introducing these things. In fact, we will go so far as to introduce legislation to guarantee they will not go in' amounted to nothing. Promises of inquiries in 1983 came to nothing.

As I said, this Bill does not matter a hill of beans, but it is the end of a path of deliberate deception that has been carried out, and some people have been willing to accept that. I draw a difference between saying whether or not you accept poker machines and whether or not you accept deception. It has been a process of deliberate deception that has been run over a number of years. This rather small Bill is the very end of that long pathway.

The Hon. PETER DUNN: Under this new Bill, we are really broadening out the game to cover the term 'authorised game' rather than just 'poker machine'. However, my advice is that 'gaming machines' encompasses all those machines. As there are 750 of them now in the Casino, if we are to be consistent, we should restrict the number to 40, because we have just had quite a long argument a couple of days ago about restricting hotels and clubs to 40 and not having gaming parlours. However, immediately across the road we have 750. To be consistent, we really should limit the number to 40, I suppose, but that is illogical under the present conditions. I draw that matter to the attention of members.

I wonder what will happen with the 750. If they want more, I presume the Casino will have to apply to the Commissioner to change some of those 750, so other authorised games can be installed. What happens to the machines that are not required? Does the Commissioner take those back? Is there a method or process for selling those machines? Can they be sold to the pubs and clubs, and do they go back through the dealer? Can the Casino obtain more and put those machines aside and not use them? What is the process? I suspect that the Casino will want to have a variation of machines very quickly, because there is not much variation there now as I understand it. What happens to those excess machines? Will the Minister comment on the fact that we did limit everyone else to 40, yet the Casino has 750?

The Hon. K.T. GRIFFIN: As members may remember, when the Government made a regulation which amended the definition of 'poker machines' under the Casino Act, I sought to disallow it. I was not successful. As other members have said tonight, that was the backdoor way of getting gaming machines into the Casino and, as the Hon. Mr Elliott has said, 750 of them make it a gaming palace. I suspect, if this Bill passes, that will open up even more. I do not intend to support the Bill, even though it might be convenient to remove the problems which presently exist in the subterfuge. As I said, I do not intend to support the Bill. It is a forgone conclusion that it will pass, but I do not believe that I should give my support and encouragement to it.

The Hon. ANNE LEVY (Minister of State Services): I thank members for their contributions, and I certainly agree with the procedure outlined by the Hon. Mr Lucas in dealing with this Bill at this time. In response to the Hon. Mr Dunn's questions, currently the machines the Casino has are not poker machines, because under its Act it was not permitted to have poker machines: it was permitted only to have other authorised games.

The Hon. Peter Dunn: Video gaming machines.

The Hon. ANNE LEVY: Yes, video gaming machines, which are not poker machines. What we are doing with this legislation is giving it the right to have poker machines if it wishes, because we are removing the words 'not being a game involving the use of a poker machine' from the definition of an authorised game. This will mean that the Casino will also be able to have poker machines if it wishes.

It may wish to dispose of the machines it has at the moment—or at least some of them. Until the gaming machine legislation is proclaimed, it can sell them to anyone who wishes to buy them. Under our previous legislation, it has not been an offence to own a poker machine, only an offence to gamble with it.

Once the gaming machine legislation is proclaimed, if the Casino wishes to sell a poker or a gaming machine of any type, it presumably will sell it to someone who holds the licence for a gaming dealer who can then sell it to someone else, provided the contract has the approval of the State Supply Board. Through dealers, there may well be a market for secondhand machines. It may well be that some of the clubs and pubs would be happy to purchase some of the ones the Casino does not want. They may well be cheaper than new ones. Of course, that will be a decision for the individual clubs and pubs, as it will be a decision for the Casino as to what it chooses to do with its existing video gaming machines. I agree with the Hon. Mr Lucas that it would be illogical not to pass this legislation, because we should put the Casino on the same market footing as the clubs and pubs, if it wishes, according to its business decisions.

The Council divided on the second reading:

Ayes (14)—The Hons T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, Diana Laidlaw, Anne Levy (teller), R.I. Lucas, Bernice Pfitzner, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (4)—The Hons I. Gilfillan (teller), K.T. Griffin, J.C. Irwin and J.F. Stefani.

Majority of 10 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—'Short title.'

The Hon. I. GILFILLAN: Because of the rapidity of the second reading debate, I missed the opportunity to make some comments. Although it was observed earlier that this Bill is not of monumental consequence after the fate of the Gaming Machines Bill, the fact remains that this is a clear indication that no longer will there be any prescription on poker machines in South Australia. As a peripheral issue, I am concerned about the acceptance of the attitude, 'Well, everyone else has poker machines and we miss out on a certain amount of revenue and appeal for people drifting around Australia, wondering what to do. Why not have poker machines and we will catch our share of the harvest.' I think that is misguided.

One of the things that we are discovering about Kangaroo Island in our fight to preserve it is that thousands of people are very keen to come to places that are different and are closer to a less cluttered, less sophisticated, less banal environment than the major cities with their bigger tourist resorts and attractions. That is a miscalculation. A lot of people go to places to get away from poker machines.

The Hon. C.J. Sumner: Not as many as those who go to places with poker machines.

The Hon. I. GILFILLAN: That is a fatuous calculation. The number of people moving from A to B purely to play poker machines is very small, and the Attorney-General has no idea of the number of people who come to South Australia because there are not poker machines in every hotel and club they go into. That statistic has not been measured. Provided we can preserve Kangaroo Island in its pristine beauty, people who are really discerning in looking for a valuable experience will go there. For that reason, I hope that pubs on the island will resist the temptation to take up their quota of 40 poker machines.

I will add to my argument the profound concern I have about the whole culture of poker machine gambling and the gradual implementation of the deception of a Government that protested so strongly its objection to the introduction of poker machines into South Australia. This is really the final nail in the coffin of that piece of Government integrity. Many of those who have expressed the loudest objection to the passing of poker machine legislation will be picking up the pieces, as my colleague the Hon. Mike Elliott observed to me off the record a little earlier. It is that end of the consequences of the one-armed bandits which, in the frivolous area of debate, is not taken into account.

Although this is a relatively insignificant piece of legislation, I was determined that I would be counted among those who opposed it, that being consistent with my deep and profound aversion to this insidious form of gambling spreading throughout South Australia, and that includes the Casino. I express my opposition to this clause on the basis of the general argument that I am opposed to the Bill in its entirety.

The Hon. PETER DUNN: I guess I have to support the amendment on the basis that it is illogical to have gaming machines all around the State and not in the Casino. That is the only basis on which I would support it. When one looks at Western Australia, one sees that the Bill introducing the Burswood Casino provided for a 15-year licence and that there be no more gaming machines outside the Casino. It was a pretty clever move. I think they have about 12 to go. Therefore, if members want to go to a State where there are no poker machines, they simply have to slip across the border to Eucla. The argument about money going out of the State is not valid. People go for the trip on the bus. I have said that before. They will still do that. They will still get on a bus and go to Broken Hill and Wentworth. There is nothing surer than that.

The Hon. Anne Levy: They might come the other way.

The Hon. PETER DUNN: In fact, they will, but I doubt whether they will have the urge to spend very much money on our poker machines because they will have got the urge out of their systems over there.

The Hon. C.J. Sumner: They can go to Kangaroo Island.

The Hon. PETER DUNN: Maybe we could have a separate clause to exclude Kangaroo Island. That might be a good idea. However, I support the Bill on the basis that it is quite illogical not to have the same machines. If we are going to have them, we are going to have them. I do not believe they are necessary. It seems that the Government sees dollar signs. It is like a junkie: the more it gets, the more it wants. It is a bit like a heroin addiction, but the Government does not know how to handle it when it gets it. That is the problem. I am afraid that this will be wasted in the same way as a lot of the other funds that are coming into the State from gambling and other excises, and so on.

Amendment carried; clause as amended passed.

Remaining clauses (2 to 5) and title passed.

PROROGATION

The Hon. C.J. SUMNER (Attorney-General): I move:

That the Council at its rising adjourn until Tuesday 2 June 1992.

I will not take much of the Chamber's time. Suffice it to say that this is the adjournment motion at the end of the session—and one which has been extremely busy, particularly in its latter stages. I have a view, which is probably not shared by my House of Assembly colleagues, that they should have worked a bit harder earlier in the piece and we would not have had as many Bills to be harassed with at

the end of the session. Of course, there have been some controversial issues and some issues that have generated some emotion in this last few weeks. As far as the legislative program is concerned, I would like to thank the Opposition and the Democrats for cooperating in what was a big program. As I said, I think it was almost too big. Certainly, it was too big in the sense that we could not get the Privacy Bill done.

We made a start on it and would have gone on with it had we had the time. Obviously, there is not much enthusiasm for continuing to debate the Privacy Bill for the rest of today. We got through the program with that exception and, as I say, it was a heavy program. I thank members for their cooperation on that point, at least. I will not take up the time of the Council by going through everyone who has assisted us again in this parliamentary year, but I should like to emphasise my thanks, on behalf of the Government, to everyone concerned in the running of the Parliament, and hope that they all have a good break with not too many select committees to occupy their time—although that sounds like a vain hope, given the number of select committees that currently operate. However, I thank members and hope they have a reasonable break. I also thank you, Mr President, for your work in continuing to preside over our Chamber.

The Hon. R.I. LUCAS (Leader of the Opposition): I second and support the motion. First, I agree with the Attorney-General's comments about our Lower House colleagues. None of them is here, so I can say that without being attacked.

The Hon. Anne Levy: You think they'll read *Hansard*?

The Hon. R.I. LUCAS: I don't know if they'll read *Hansard*, but I'm sure they'll attack us anyway! There has been a healthy degree of competitiveness between the Upper and Lower Houses. Long may it continue, as long as it is moderate and temperate. I agree with the Attorney's comments in relation to the backloading and frontloading of the program and the difficulties we have in the last weeks of any session.

In particular, the last days of any session are always very difficult. Friendships are tested. There is an enormous amount of pressure and tension in Parliament House through the very nature of sitting long hours, having to debate controversial issues, and I trust that, during the three month break, not only will all members have a reasonable rest but those pressures, stresses and strains will dissipate somewhat and that what is generally a pretty happy, friendly place to be—the Legislative Council—can continue in that vein.

I thank you, Mr President, for your assistance to members of the Liberal Party and to all members in this Chamber. Obviously, we do what we can to assist you in the proper conduct of the Council and are always prepared to work with you to that end as best we can. I thank the Leader of the Government (the Hon. Attorney-General) for his handling of the program in this House. I also thank the other Ministers, the Australian Democrats and all other members.

I particularly thank the table staff for the long hours that they endure in processing extraordinarily complex Bills and amendments. They were probably more grateful than anyone that we did not go on with the Privacy Bill, particularly looking at the forbidding 30 pages of amendments of the Hon. Mr Elliott to which the Hon. Mr Griffin added another 10 or so pages. I think that the Bill can be reintroduced at the same stage.

Together with the Attorney-General, I thank all other staff involved who are too numerous to mention but who ensure

the smooth operation of Parliament, and I join with the Attorney in wishing everyone well for the next session.

The Hon. I. GILFILLAN: I would like to add the Democrats' appreciation in several areas. I do think that in many ways this has been one of the more cooperative—maybe one of the most cooperative—sessions that has evolved, that is, if one can forget the past 24 hours. Amnesia is coming in fast. I would like to make an observation about your role, Mr President: I believe you have exercised your office with great sensitivity, indulgence and in good nature, and that has, to a large extent, influenced the general tenor of this place. Mr President, whatever requests that you may have had for a different regime to the one you have exercised for many years, I am sorry if that does influence the way you conduct this Chamber. Although there are irritations from interjections and times when I am sure your patience is stretched—

The Hon. C.J. Sumner: Come on! Turn it up.

The Hon. I. GILFILLAN: I will not turn it up. I want to take this opportunity to put on record that I believe the leadership and the conduct of the President of this Chamber has greatly enhanced its good-natured productive work, and I am glad to have the opportunity to make that statement at the end of this session. I would be very sorry if the honourable member substantially changes that attitude. I would also like to put on record my appreciation for those people who have worked tirelessly to serve this Chamber. They are the clerks, the Black Rod, the supporting staff, the messengers and others who tirelessly take our profusion of words, that is, *Hansard*, and the people who provide the refreshments, the House staff of the building. Principally, on behalf of my colleague and I, I thank my colleagues for what has been, in the main, an enjoyable and productive session.

The Hon. M.J. ELLIOTT: The important thankyou's have already been made, but I would like to raise one matter, and it is a matter we raise from time to time. It is now the end of the session, and this time is always an extraordinarily difficult one. I wonder whether we cannot change things some way. For example, can we not have more sitting weeks scattered over a longer period of time so that the end of one session is not all that far from the beginning of the next? I would like to see something like a two weeks on two weeks off situation, with five weeks off around July and Christmas and after that period.

We have our extraordinary problems because we have three months break, and there is a clamour to get legislation through. However, if the longest break was no more than five weeks, the end of session would not have quite the same meaning and would not create the same sorts of difficulties that we now suffer. I pose the question: is it not possible at the beginning of the year to set down a full year's program so that, if we do not need some of those weeks later on, we can drop them out? However, adding to the program in the way we have and having a crush at the end is a highly undesirable way for things to operate. Having made those comments, I express good wishes to everybody and I hope the break is a fruitful one.

Motion carried.

[Sitting suspended from 6.9 to 7.50 a.m.]

GAMING MACHINES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

CASINO (GAMING MACHINES) AMENDMENT BILL

Third reading.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (13)—The Hons T. Crothers, L.H. Davis, Peter Dunn, Diana Laidlaw, Anne Levy (teller), R.I. Lucas, Bernice Pfitzner, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (4)—The Hons I. Gilfillan, K.T. Griffin (teller), J.C. Irwin and J.F. Stefani.

Majority of 9 for the Ayes.

Third reading thus carried.

SELECT COMMITTEE ON GAMBLING

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on:

(a) the extent of gambling addiction that exists in South Australia and the social and economic consequences of that level of addiction;

(b) the social, economic and other effects of the introduction of gaming machines into South Australia;

and

(c) any other related matters.

2. That in the event of a select committee being appointed, it consist of four members and the quorum of members necessary to be present at all meetings of the committee be fixed at three members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the select committee to have a deliberative vote only.

3. That this Council permits the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to Council.

I shall be mercifully brief. I raised this matter yesterday during the debate. I do not intend to go over all the reasons or my personal preferences or those of other members. There seemed to be general agreement for the establishment of this committee. This committee will monitor the effects of the introduction of gaming machines. In the first six to nine months before the introduction of gaming machines the committee, with the additional resources that the Government has committed, will be able to establish a base measure in the South Australian community of the level of gambling addiction. In some way, to use the statistician's term, a longitudinal study of the introduction of gaming machines into South Australia might be examined by the select committee. For those reasons and all the other reasons which the avid readers of *Hansard* will find somewhere in the Committee stage debate on the Gaming Machine Bill yesterday, I move for the establishment of this select committee.

The Hon. ANNE LEVY (Minister of State Services): I indicate the Government's support for the establishment of this select committee. It was mentioned in debate earlier. I reiterate the Government's commitment that, when the Chair of the select committee has been appointed, discussions can take place between the Chair and the Government regarding extra resources which may be required over and above what is normally available for select committee work to enable the committee to undertake its role adequately.

The Hon. M.J. ELLIOTT: This is nine years overdue. An inquiry was promised by the Premier in 1983 and we are now setting up a select committee in 1992, following a

significant expansion in gaming opportunities, and we will now measure the impacts of this further expansion without having measured the impacts of what else has happened in the previous nine years. A great deal of damage has been done. The saying is: better late than never—but this is very, very late.

Motion carried.

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That the select committee consist of the Hons Bernice Pfitzner, J.C. Burdett, T. Crothers and Carolyn Pickles; and that the select committee have power to send for persons, papers and records, to adjourn from place to place and report on the first day of next session.

Motion carried.

ADJOURNMENT

At 8.3 a.m. the Council adjourned until Tuesday 2 June at 2.15 p.m.