LEGISLATIVE COUNCIL

Thursday 4 December 1997

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 11 a.m. and read prayers.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 3 December. Page 46.)

The PRESIDENT: As this will be the honourable member's maiden speech, I ask members to pay him the attention that is traditional of this Council.

The Hon. NICK XENOPHON: I support the motion for the adoption of the Address in Reply. At the outset, I wish to congratulate you, Mr President, on your election. Some members may have noted that on Tuesday, immediately following your election, I, too, tentatively rose from my seat after the Hon. Mike Elliott congratulated you, with the intention of offering my congratulations. You did not see me, because I did not spring up in time. To remedy this, I have since visited the parliamentary gymnasium and worked on my quadriceps so that any tentativeness in relation to my springing up has been worked out of my system!

Mr President, I offer my sincere congratulations on your election. I have not been here long, but I have been struck by the enormous level of respect that members from all sides have for you as a person and for your integrity and decency.

I wish to acknowledge the assistance of my parents and the support they have given me over the years; they have been a great source of support for me. I am proud of my Greek and Greek Cypriot heritage and its supportive extended family structure, which has given me a strong sense of community from an early age. I also acknowledge the tremendous grass roots community support received during the election campaign, and I thank all those who supported and voted for the campaign and, in particular, those who stood as candidates with me.

I further thank all members for their welcome and assistance, as well as the assistance of parliamentary staff, including the Clerk and Black Rod. I would disappoint too many members of this Council if I did not spend much of my time today discussing gaming machines. That is why I was elected and, I hope, at least for today, that I will not bore the Leader of the Opposition too much, although I note that she is not even present now.

Before I tell the Council how I became involved with this issue, I should explain why I am here, effectively as an Independent member, because the No Pokies campaign is not a political Party: it is a community association. I am acutely aware that an Independent has not sat in this Chamber in this century. For a number of years my philosophy in relation to joining a political Party has been heavily influenced by the principles espoused by Marx—I am referring to Groucho and not Karl—who said, 'I refuse to belong to any club that would have me as a member.'

I believe that my election and the strong vote that minor Parties and Independents received on 11 October is indicative of the feeling in the community that the answers are not always found by looking to existing Parties, structures and institutions.

When the Gaming Machines Act was being debated in this Parliament 5½ years ago I was not part of the voice of protest against their introduction. I was not one of the 2 500 people who protested against their introduction on the steps of Parliament House on 26 July 1992: I was ambivalent over their introduction. I had been to Las Vegas a few years earlier and had found the place and its pokies as garish and boring as the Elvis impersonators with whom the place was littered. But my ambivalence soon evaporated because, within a few months of the introduction of gaming machines in this State, client after client at my legal practice began telling me of problems that they or their relatives and friends had experienced since the introduction of the machines.

A retired couple in a country town for whom I acted (and with whom I still keep in contact), who also worked as full-time volunteers for a major charity, told me that since the introduction of gaming machines they had noticed an exponential increase in demand for services from the charity and a corresponding decrease in donations, particularly of clothing, from their local community. Seeing a local deli in my area close because, according to the owners, it could not compete with the $3 meals in the gaming venue across the road, reinforced for me the breadth of the impact of gaming machines.

But one client's story stayed in my mind: he has a cognitive impairment because of an industrial accident compounded by long-term alcohol problems. He was, and still is, a particularly vulnerable individual. He told me that practically his only friends in the world were his mates and the bar staff at his local pub. Before pokies came to South Australian pubs he would go once a year on a pokies bus tour to Wentworth in New South Wales and spend $50 or so. However, that all changed in late 1995 when he received an interim pay-out of $30 000 for his disabilities via another law firm. His local pub was now a 40 poker machine venue.

As with many people playing the pokies, he found the sounds, lights and visual effects of the machines exciting. It should come as no surprise to members that gaming machine manufacturers retain the services of psychologists to enhance the allure of machines. He told me that because he soon became a regular player with the proceeds of his lump sum he received the red carpet treatment from hotel staff and management. He says that he was lavished with free meals, drinks and, on some occasions, credit by the hotel. I remind members that the provision of credit at a gaming venue for the purposes of gaming carries with it a maximum fine of $30 000 or two years imprisonment.

My client also told me that, on occasions, he was given free alcohol while he was playing the pokies and while he was under the influence. When he broke down in my office and told me that he had lost $28 000 in just six months I was angry. I was angry because this simple man had been used by people who ought to have known better.

Unfortunately, this is not an isolated example. A former gaming room attendant at another venue told me that the provision of credit and free alcohol to players were common occurrences at the particular venue where she worked. Gambling counsellors to whom I have spoken recently tell me that some venues are still flouting the rules, particularly on credit and the cashing of cheques, which casts a shadow over the vast majority of venues that keep within the law.

I note that these practices are very much against the Australian Hotels Association code of practice. The provision of credit concerns me greatly. Psychiatrists dealing with problem gamblers tell me that the gaming venue giving credit

to a problem gambler can effectively feed the addiction and accelerate and compound player losses. It is often the most vulnerable players who seek credit.

I suggest that, conservatively, based on the information provided to me over the past few months by those working in the industry and by gambling counsellors, in aggregate terms there have been several hundred instances of credit being extended to players, but to my knowledge not one prosecution has been instigated. This points to systemic problems with education about and the enforcement of the current legislation. This issue needs to be redressed.

Gaming machines and their accessibility are the acute manifestation of a gambling mania that this State and the rest of Australia has been caught up in. I have been told by researchers on gambling studies that, with only one-third of 1 per cent of the world's population, Australia is host or, should I say, hostage to 20 per cent of the world's gaming machines. I have been informed that Australians gamble more *per capita* than any other nation. We outstrip the No. 2 nation—the United States—by a 3:1 ratio in *per capita* gambling losses. Last financial year Australians lost over $10 billion in gambling—that is, actual player losses—almost half of that on gaming machines.

In South Australia, gaming losses have more than doubled since the introduction of gaming machines to pubs and clubs in July 1994. Current actual player losses of over $1 million a day on gaming machines divert money away from many small retailers. The Small Retailers Association estimates via surveys of its members that many of its members have lost up to 15 per cent in turnover. The Australian Hotels Association says that some 3 000 new jobs, including part-time casual jobs, have been created as a consequence of gaming. I do not dispute that. The Small Retailers Association, though, says that more jobs have been lost in the food and retailing sectors because of gaming machines. I am not suggesting that small retailers be insulated from fair market forces, but gaming machines have distorted the level playing field. The granting of a gaming machine licence has given some a licence to print money whilst sending many others to the wall.

I previously urged the Government to commission a comprehensive economic impact study so that we can rely less on anecdote and more on well-researched economic data. There should also be a social impact study so that we can establish the true cost to our community with respect to the impact on individuals and families.

The existing data on the impact of gaming machines elsewhere is disturbing. Professor Alex Blaszczynski of the University of New South Wales psychiatry research unit recently released a report on the psychological aspects of gambling behaviour. The professor is one of Australia's leading figures in gambling research and treatment, and, in case members think that he is anti-gambling, I inform the Council that he is a member of the Sydney Turf Club and the Western Suburbs Leagues Club. As he puts it, he is a low-level regular social punter.

The report, which was released in September 1997, refers to independent surveys in Victoria and New South Wales, where 5 per cent of the adult population surveyed reported spending more than 25 per cent of their disposable income on gambling. Professor Blaszczynski has told me of estimates amongst researchers that 1 per cent of gaming machine players provide 30 per cent of the revenue.

The report is disturbing and of particular relevance to our State because, according to the report, controlled gambling is typically maintained for a period of years, with a time lag of five years on average before problems become manifest. On the basis of these findings, I fear that the worst is yet to come with gaming machines, that welfare agencies and counsellors will experience a jump in demand for their services in coming years.

Whilst there is a dispute as to what the definitional criteria are for a problem gambler, with the gaming industry supporting the narrowest possible definition, it seems that we now have a new underclass of 7 000 to 10 000 problem gamblers in this State because of gaming machines, with each problem gambler impacting on the lives of a number of others. While the former client of mine to whom I referred is not typical, he is indicative of a whole range of individuals from diverse life experiences who have not been able to cope with the ready availability of gaming machines. The gambling industry generally ought to be responsible, but the majority of problems appear to be with gaming machines.

The consequential demand on welfare services has been significant. Last year the Salvation Army reported a 30 per cent increase in demand for family support services, with gaming machines a significant factor. The gaming industry very cleverly portrays going to the pokies as an entertainment. It says that it is like going to the movies. However, a psychologist practising in the field of addictive disorders told me at a national gambling studies conference last weekend that, in all his years of practice, he has never treated anyone with a problem from going to see Nicole Kidman or Tom Cruise on the big screen too often.

The gaming industry talks of the right to choose, of individual choice. I say that those rights need to be considered in the context of the impact on individuals and the community generally. The same argument was peddled by the tobacco industry for decades until it was dragged kicking and screaming with legislation to accept that it could not promote its products at will and that extensive public education was needed to redress the cultural perception that smoking was harmless. We now know that 20 per cent of smokers will develop cancer.

The message I got during the election campaign was that there are many in the community who feel ignored by the political process and that gaming machines are a striking instance of this. There was no overwhelming community demand for gaming machines. The demand was generated by vested industry interests. Amitai Etzioni, in his book, *The Spirit of Community*, reflecting on the political process, said:

> The notion of a shared community or public interest, which balances but does not replace the plurality of particular interests has been eroded. Now all too often the dominant interests are not those of major segments of the population, such as consumers, workers and industrialists. Instead they are groups which represent narrow self-serving goals.

It may interest members that I received information last night that the Hotels Association is planning a $25 a machine levy to fight any proposed reforms I will introduce to the Gaming Machines Act, which on my calculations will be a fighting fund of over $200 000 to protect their interests. Our political system needs fundamental reform to prevent vested interests having a disproportionate influence. There ought to be, as a starting point, a register of lobbyists and a register of contact of those lobbyists with our elected officials. It is for this reason, to counterbalance the influence of vested interests, that I also believe the concept of citizen initiated referenda ought to be looked at seriously. Charles Handy, a British writer and broadcaster, said:

It is argued that the decisions reached by this method are often wrong. But there is little evidence that they are any worse than those taken on the people's behalf by their elected representatives. Those countries with extensive experience of referenda find that the necessity for a referendum forces politicians to explain the issues. At the same time the populace is encouraged to focus their minds on the questions before them. Referenda make the symbolic point that some decisions are too important to be left to politicians, and that the people can be trusted to be responsible for their own future as a society. Referenda are a form of public education and for that reason alone we need more of them.

I hasten to add that my preferred option is not via a voluntary postal ballot—I am still waiting for my ballot paper in the constitutional referendum. I still believe that if South Australians had had a choice 5½ years ago we would not now have the current proliferation of gaming machines. Instead, we have a new tax of almost $3 million a week, a so-called 'voluntary tax' that is, in effect, the worst form of regressive tax. It is a tax on the poor, the vulnerable and the small businesses in this State. With gambling contributing in the order of 11 per cent of this Government's recurrent revenue, gaming machines and gambling are a big issue—not a single issue. It raises broader issues of whether State Governments across Australia have found an easy, short-term alternative to tax reform, using publicans as their glorified and often exorbitantly rewarded tax collectors. Janet McCalman, the Melbourne-based historian, wrote a few months ago:

Australia did not become a prosperous, developed industrial nation because its people gambled until the cows came home. It became prosperous because its people worked and saved and invested in more work and saving.

If I can paraphrase her, this State needs industry—not more poker machines. In a little over three years $1 billion has been already lost on poker machines. Poker machines do not make communities rich: they make their owners rich and their patrons poor. South Australia has a proud history of legislative reform and change. As a State we seem to respond to community needs in a way that often puts other States to shame. During the Playford era this State remade itself into a State with a dynamic manufacturing sector. The Dunstan decade saw reforms in areas such as consumer protection, which led the way for the rest of Australia. I would like to think that South Australia can lead the way with sensible reforms to the gaming industry, reforms that reflect overwhelming community attitudes and opinion. Measures such as slowing the rate of play of machines, extensive public education and shutting machines off temporarily after a win to allow for a cooling-off period are reforms that will help that significant number of South Australians who have a problem. By helping them, we as a community are strengthened. I have been told by many that it is too late to make a difference on this issue, but to that I say that I am betting the next eight years of my life that positive change is achievable. I commend the motion.

The Hon. G. WEATHERILL secured the adjournment of the debate.

STATUTES AMENDMENT (MINISTERS OF THE CROWN) BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 48).)

The Hon. K.T. GRIFFIN (Attorney-General): Members have raised several issues in respect of this Bill. I will endeavour to answer most, if not all of them, but if there are issues which still need to be pursued, quite obviously the Committee consideration of the Bill is the opportunity to raise those further questions. I notice that the Leader of the Opposition is indicating that her Party is not proposing to support the Bill. I am disappointed at that. I would have thought that the Opposition would at least recognise that there is some value in the departmental and ministerial restructuring within which the Government wishes to proceed. Although the Leader of the Opposition talks about internal Liberal politics and wishing to give jobs for the boys and the girls, I completely refute that assertion.

The honourable member quite curiously refers to the size of the ministry relying upon some information provided by the shadow Attorney-General in another place, apparently indicating that in 1856, at the point of self-Government in this State, there were five Ministers. One would expect that to be a smaller number because the size of the State was very much smaller than it is now. That was 20 years after the colony was established. Quite obviously, if you had had 13, 14, 15 or even 10 Ministers at that point, one could have argued quite legitimately that that was over the top for what was a very small population in a colony largely isolated from Great Britain, and instructions to the colonial secretaries and others always took a great deal of time to get to this place from Great Britain.

It is interesting also to note that it is really only in the 1960s and 1970s, when Labor was in power, that the number of Ministers actually increased significantly. In 1873 it was increased to six Ministers; in 1965 there were nine, under a Labor Administration; in 1970 there were 10, again a Labor Administration; in 1973 there were 11, another Labor Administration; in 1975 there were 12, another Labor Administration; and since 1978, 13, and again another Labor Administration. All the increases in the 1960s and 1970s in the size of the Cabinet have occurred as a result of Labor Administrations believing that the numbers necessary to govern this State in the Executive arm of Government should be increased.

So it seems that it is okay for Labor Administrations to bring amendments to the Constitution Act to Parliament for the purpose of increasing the size of the ministry but it is not okay for a Liberal Administration. I think that demonstrates a significant level of hypocrisy about the way in which—

The Hon. Diana Laidlaw: Double standards.

The Hon. K.T. GRIFFIN: And double standards—Government should be administered. The Leader of the Opposition makes some fun of the move to have 10 super ministries and five non-Cabinet Ministers. I would suggest that if one looks at what has been happening around Australia one can see a move towards bigger departments, where there are undoubtedly greater levels of efficiency, whether it is in the Commonwealth or at the State level in Victoria, New South Wales or South Australia. There is undoubtedly a move towards larger departments to provide a significant level of cost savings in administration.

So, the Government decided that following that pattern which is occurring around Australia we ought to look to see whether we can get a better mix of departmental agencies, a more consistent approach, whether it be to planning and development or whether it be in relation to the justice system, and for the second time we now have a ministry for justice, which brings together a wide range of interests within the justice area, and I will talk a little more about that and give some illustrations of what we hope to achieve by way of savings in that departmental structure which I would suggest

are likely to flow across to other so-called super departments. The Government has genuinely endeavoured to come to grips with a new structure for the purpose of providing good Government to South Australia and to see whether there is a way in which we can get decisions about vital issues made in some instances more quickly and efficiently.

The Leader of the Opposition does raise some issues which I should deal with specifically. She makes the point that the Bill contains no details as to how many offices, extra staff, cars and so-called extra perks Ministers will have, and that is true. The Bill should not in fact contain that level of information. They are not spelt out in the Act for Cabinet Ministers so one has to question why, or in fact how, they can be effectively and precisely spelt out for non-Cabinet Ministers. But the fact is that in the way in which the new departments and ministries will be structured there will be savings. I am not able to quantify specifically in each agency or across Government what those savings will be. The Premier did endeavour to quantify those when he made the announcement of the rearranged ministerial arrangements, but that information will undoubtedly become available as the new structures are put in place.

I can indicate that in relation to the ministry for justice I suppose to some extent we are dealing with things a little differently from those in one or two other agencies, because we have retained the Attorney-General's Department, we have retained the Police Department, the Correctional Services Department and the statutory authorities which make up the emergency services portfolio. But they are now within the umbrella of the ministry of justice. I will be the Cabinet Minister. The non-Cabinet Minister, subject to the Bill going through, will be Mr Iain Evans. He will be housed within our building in an office that will not necessarily be on my floor but within the building.

All the ministerial administration and arrangements—the handling of dockets and dealing with the administrative affairs of Government—will be dealt with through the one office. There will not be two ministerial administrative offices: it will be dealt with through my office. Mr Evans will be entitled to have a secretary (or a personal assistant) and a research assistant.

Presently Ministers have up to four personal staff, and with three Cabinet Ministers no longer being proposed their staff will be shared between the five. The very fact that we will deal with all the ministerial correspondence, the administration of a Minister's office and its inter-relationship with its own agencies or with other agencies of Government, by the very nature of the administrative structures of Government, will mean savings. There will be fewer people, on the information which I have, in that office serving the two Ministers than were available to each of the other Ministers in respect of those responsibilities which have now been brought within the Justice umbrella.

That will mean efficiencies in the way in which correspondence is dealt with and in the way that we handle other information. My understanding is that that will also occur in other departments where there will be a Cabinet Minister and a non-Cabinet Minister. In relation to that, it is expected that savings will result from that restructuring.

In terms of access to motor vehicles, the Premier has indicated that non-Cabinet Ministers will not have chauffeurs. They will be entitled, for official functions, to draw on the Government pool of motor vehicles. It may be that there are other arrangements, such as hire cars or taxis, but it is not intended that there will be a chauffeur for each of the non-Cabinet Ministers.

Obviously, the non-Cabinet Ministers will have to attend a Ministerial Council, so there will be some expenditure in relation to attendance at Ministerial Councils. However, if one thinks about it logically, one will realise that there will be no increase in that cost because there would have had to be officers and a Minister attending those Ministerial Councils in any event.

With regard to the query about answering questions in Parliament, I would not expect that the parliamentary secretary would be in any different position from that in which he finds himself at present and will not be answering questions in the Parliament. In terms of the non-Cabinet Ministers, that is an issue about which I have not yet been able to obtain information, but I suppose that, most likely under our Standing Orders, questions can be asked of any member. It is not a matter of members being required to answer: they do not have to. It may be that the Standing Orders will deal with that. In any event, it is a matter not for Constitution Act amendments but for Standing Orders and for the processes of the Parliament.

The Leader of the Opposition refers to the Auditor-General's concerns about the appointment of parliamentary secretaries under section 68 of the Constitution. The Auditor-General does query whether an appointment under section 68 is appropriate because the role of parliamentary secretary is conferred at the discretion of the Premier and is not a public office. I must say, with respect, that I find the argument of the Auditor-General somewhat difficult to follow. In any event, the question is now academic, as new section 67A of the Constitution provides for the appointment of the parliamentary secretary.

The Hon. P. Holloway: So, he was right.

The Hon. K.T. GRIFFIN: No, you have to think about this logically and in accordance with the Constitution. If you appoint a parliamentary secretary under section 68 of the Constitution Act, you cannot pay the parliamentary secretary any salary or remuneration. None of the parliamentary secretaries appointed by Premier Dean Brown or any appointed subsequently received any remuneration, because if they had received—

The Hon. P. Holloway: They had a heavy workload, didn't they?

The Hon. K.T. GRIFFIN: Yes, they did; they did a lot of work, actually. However, they did not receive remuneration because there was that provision in the Constitution Act that it would then be an office of profit under the Crown, which would then bring them in conflict with the provisions of the Constitution Act. Members will see in the Bill that we have addressed that issue by amending that part of the Constitution Act which deals with offices of profit to ensure that the parliamentary secretary's position, recognised under the Constitution Act, is not, for the purposes of the office of profit section, an office of profit and, therefore, potentially invalidating the entitlement of the honourable member to hold a seat in the Parliament.

As I have said, the question is now academic, but I do not agree with what the Auditor-General is saying. It was the advice of the law officers of the Crown that we should move to make the appointments under section 68 in order to regularise the appointments and to ensure that the issue was beyond doubt.

The next point made by the Auditor-General to which the Leader of the Opposition refers is also difficult to understand.

He questions whether the appointment of parliamentary secretaries infringes section 65 of the Constitution Act which limits the number of Ministers of the Crown. Again with respect to the Auditor-General, I do not agree, and I do not think he can be right because, given the way in which this Bill deals with that issue, there can be no doubt that a parliamentary secretary is not a Minister of the Crown. Nothing can be clearer; it is stated on the face of the amendment. Both Cabinet Ministers and non-Cabinet Ministers are clearly referred to.

The Hon. R.R. Roberts: There is no job description for parliamentary secretary.

The Hon. K.T. GRIFFIN: Well, there is not a job description for the Minister either, with respect.

The Hon. R.R. Roberts: You can appoint a parliamentary secretary, but to do what? How? When?

The Hon. K.T. GRIFFIN: You don't have to define the role in the Constitution. The role of Ministers is not defined in the Constitution Act. The Ministers are normally the executive arm of Government. We have sought to distinguish between the 10 and the five by ensuring that 10 are members of the Executive Council. They are the Cabinet members, although 'Cabinet' is not defined in the Constitution Act either, and the non-Cabinet Ministers are those who are not members of the Executive Council. Their duties vis-a-vis the Cabinet Minister to whom they are attached in terms of delegation of responsibilities, and so on, is proposed to be dealt with by in a sense a side agreement which will identify the undertakings given by the non-Cabinet Minister—and that is all covered in the second reading speech—and also the relationship between the Cabinet Minister and non-Cabinet Minister.

One of the difficulties is how we define all these relationships when they are all essentially dealt with by convention now and not by statute law. I have taken advice from the Crown Solicitor and the Solicitor-General, and what we have come up with in this Bill—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: No, we have two opinions, but both agreed. The Leader of the Opposition then refers to the Auditor-General's suggestion that the appointment and functions of parliamentary secretaries should be regularised by legislation. I have already made some reference to that in that we are specifically dealing with the issue of one parliamentary secretary in the Constitution Act. I think that deals with all the issues raised by the The Leader of the Opposition.

Several issues were raised by the Hon. Michael Elliott. He made some observations on the amalgamation of some ministries and departments, particularly in relation to schools and TAFE, as well as to Human Services now bringing together the Health and Family and Community Services area in particular. I am pleased that the honourable member acknowledges that there is value in those sorts of changes.

I would suggest also that the other arrangements are quite valid and appropriate because of the interdependence of a number of those. In the justice agencies, in the Attorney-General's Department you have the responsibility for prosecutions for legal advice to the Crown. In police, you have prosecutions and the law enforcement apprehension of offenders and, of course, that relates with the Correctional Services system and the courts. There is a great deal of interdependence, and it makes sense that a closer relationship develops between those various agencies in the expectation that there will be right across those range of responsibilities a greater level of efficiency in dealing with, for example, offenders in the criminal justice system, that it is done more cost effectively and in a much more coordinated way which recognises both the interests of the community as well as the interests of the victims and of the offenders as they travel through the criminal justice system.

The honourable member makes some observation about some chaos created in some of the rearrangements that the Government is carrying out. He acknowledges that this can occur obviously without legislation. I do not believe that there is chaos. There is quite obviously a restructuring which impinges upon the operations of various departments. In my own area, again, there is a good relationship between my Chief Executive Officer and all the other agencies. My Chief Executive Officer in the Attorney-General's Department is also Chief Executive Officer for the Department of Justice. There is a good rapport, and we are identifying areas of administration where we may be able to provide an even better service hopefully at a better price. However, there is a great level of cooperation between all those agencies through the justice agencies, chief executives and deputy chief executives forum.

Although in some areas there are some uncertainties, they are shaking out pretty well. I must say that with the Chief Executive officers of the 10 super agencies there is a significant measure of goodwill and a determination to get the job of reform of the public sector under way as quickly as possible and, with regard to the relationships with those who are executive officers of the constituent agencies, there is equally the same measure of goodwill to get the job done.

Restructuring is always difficult, but right across the public sector there is a significant measure of goodwill, and in the longer term I have no doubt that it will result in better government. That deals with all the issues raised by the Hon. Mr Elliott. As I said when I began this reply, I am happy to endeavour to answer any questions which I have left unanswered.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. P. HOLLOWAY: Why has the Government decided to increase the number of Ministers of the Crown from 13 to 15? Those members who were a part of the last Parliament would be well aware that, for the past 12 months, since the time that Dale Baker went on to the back bench, this Government existed with just 12 Ministers. So although there is provision for 13 Ministers we have been effectively operating for almost 12 months with just 12 Ministers. It suddenly appears that we now need 15. It seems to me that Stephen Baker, in taking over his former namesake's portfolios, was doing most of the work of this Government—perhaps that is why he decided to go early. I really believe that the Government ought to be telling us why we need this increased workload.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: My colleague, the Hon. Terry Cameron, has provided the solution to the question; that is what we suspect it is, but I would like to hear the Government's version as to why we need these extra Ministers.

The Hon. K.T. GRIFFIN: I am delighted that the honourable member acknowledges that, for the past 12 months, with 12 Ministers we have been effectively discharging the roles and functions of Government. That is what the

honourable member said. He said that we had been effectively doing that.

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Order!

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Order! The honourable member can make comments at any time when he is on his feet.

The Hon. K.T. GRIFFIN: Quite obviously some Ministers were carrying an even heavier burden as a result of the ministry being reduced, effectively, from 13 to 12. Even though we were dealing with the task effectively, as the honourable member acknowledges, the fact is that we—

The Hon. T.G. Cameron: You can't even say it with a straight face.

The Hon. K.T. GRIFFIN: Yes, I can.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: I am happy because I am delighted that this Bill is going to get through.

The Hon. T. Crothers: If you're happy, we're happy.

The Hon. K.T. GRIFFIN: Members opposite also have smiles on their faces. If one starts with a base of 13 it is effectively two extra Ministers. The Government took advice about the structure of Government and looked at the most effective way of structuring the Public Service. We took the view that 10 super agencies were appropriate. We then looked at the workload of various Ministers and took the view that there were some instances where it was not necessary to have additional support and it was difficult to provide that support because of the central agency nature, such as in Treasury.

Members will notice that my area, the Attorney-General's Department, remains a central agency, and the non-Cabinet Minister is in fact dealing with those areas which are not, in a sense, central agencies of Government: police, corrections and emergency services. With respect to human services, bringing together what were two big ministries, obviously requires some additional assistance at the ministerial level. You could argue for six non-Cabinet Ministers, you could argue for four non-Cabinet Ministers, you could argue for other arrangements. The decision was taken on the way in which the departments were being restructured that—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: One looked objectively at the structure of the agencies and determined from that whose agencies had particularly heavy workloads for which there needed to be some additional assistance in terms of ministerial responsibilities. I am not aware that there is any magic in five. As I say, it could have been six, it could have been four but, looking objectively at the structure, it was determined that there were five super agencies in respect of which the Cabinet Ministers would be assisted by having some additional non-Cabinet Minister support.

The Hon. R.R. ROBERTS: What access will the junior Ministers have to cars? Will they be provided with chauffeur-driven cars or will they have access to the super ministry car? While we are on the point I will ask a supplementary question that goes to the core of the issue: will junior Ministers be able to draw on the ministerial allowances for travel, etc., or will they be using their own travel allowances to do that?

The Hon. K.T. GRIFFIN: I thought I had answered that question in my second reading explanation: because they will be attending ministerial council meetings and doing the work that was previously done by a Minister, certainly they will have access to Government paid travel for the purposes of attending ministerial functions. If one thinks of it objectively that will not mean any increase, because all that work would have been done by individual Ministers.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: Yes. If there is a ministerial council meeting someone would have to attend anyway—a Minister would have to attend. So you are not increasing the costs of travel or accommodation because it is all work that would be done by a Minister anyway and the costs would have been incurred. In terms of the cars—

The Hon. P. Holloway: Is the Attorney suggesting that Ministers will not be attending any of these conferences?

The Hon. K.T. GRIFFIN: That has been my presumption. I am not sure what other Ministers intend doing but I cannot imagine that, for example, I would be attending all Australian Police Ministers' Council meetings, nor would the non-Cabinet Minister be coming to the Ministerial Council on Consumer Affairs, the Standing Committee of Attorneys or the other areas that are solely within my responsibility. I just cannot give the honourable member an unequivocal answer to that because, if I did, it would come back to bite me if something happened that two Ministers did go.

My understanding is that it was not the general intention that two Ministers would attend a particular ministerial council. That is all I can indicate. In relation to the cars, I have already indicated that what the Premier has said and confirmed in the public statement is that the non-Cabinet Ministers will have access to the Government car pool for the purposes of attending official functions.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: Yes. I do not know exactly whether it will always be the car pool or whether, for example, if my driver does not have a particular job he will take the non-Cabinet Minister to a function during the day. All that is something I have not even thought about, because generally my car is—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: As to whether my car is used, that is really an irrelevant question because, if the Minister is drawing on my car, he is not drawing on the pool. I cannot see what the concern is, because one way or another, a car will be available for official purposes. There will not be a dedicated chauffeur to any non-Cabinet Minister.

The CHAIRMAN: I am sure that it was unintentional, but the Hon. Paul Holloway interjected, and it was picked up by the Minister, while an honourable member behind him was standing on his feet, probably to ask a question. It will be easier if members ask questions while standing rather than by way of interjection, although I can understand that they might want to follow through a point.

The Hon. T.G. CAMERON: I am a little confused by the Minister's rather lengthy and convoluted answer to the Hon. Ron Roberts's question. The Minister seemed to be saying, but he stopped short of saying, that for all purposes the junior Ministers will be treated exactly the same as every other Minister in relation to—

The Hon. K.T. Griffin: I did not say that.

The Hon. T.G. CAMERON: Well, what are you saying? What staffing provisions will the junior Ministers be provided with? Will the junior Ministers be provided with a car or have access to a car pool? Will they have access to all the other allowances and benefits that Ministers enjoy, such as a credit card? Will they enjoy a ministerial credit card to book up entertainment, lunches, etc.? We are entitled to know just how these Ministers will be treated in relation to the others.

I would like the Minister to come clean and tell us. I would be surprised if he does not know because he is in Cabinet.

The Hon. K.T. GRIFFIN: I have tried to make it clear, and I would deny that my answer was convoluted. It may be that it was precise and that for other reasons the Hon. Mr Cameron was not able to follow it or is now trying to be mischievous. I am happy to endeavour to answer it in a way that helps him to understand where we are—

The Hon. T.G. Cameron: I am trying to avoid embarrassment later on. That is why I want to get it on the record.

The Hon. K.T. GRIFFIN: I do not think that it will cause any embarrassment.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: If the honourable member wants to ask questions about ministerial expenses, that is fine. We can also raise issues about members' expenditure on travel and other things, particularly after what—

The Hon. T.G. Cameron: Just be careful which door you open, otherwise I might jump up and ask some questions.

The Hon. K.T. GRIFFIN: I was not going to open any doors, except to respond to the honourable member's interjection. I was really adverting to the postcards which circulated in Liberal electorates during the last election and which were authorised by the Labor Party. That was a quite disgraceful way of dealing with travel issues. They are always sensitive issues and obviously the *Advertiser* has embarked upon a program of full disclosure of declarations of interest and parliamentary members' travel, but I recognise the sensitivity of the issues.

In terms of the car, I have indicated what the Premier has indicated, that is, that non-Cabinet Ministers will have access to a car for official functions and that car will be from the Government motor pool. In terms of the honourable member's question about credit cards, I expect that they will have a Government credit card, but Ministers, whether Cabinet or non-Cabinet Ministers, are subject to the Treasurer's Instructions in relation to vouching for expenditure and they are subject to audit by the Auditor-General, and quite specific guidelines apply in relation to those sort of expenses. I covered the issue of staffing when I indicated that the ministerial office would be managed, in my case and I expect in every other Cabinet Minister's case—

The Hon. T.G. Cameron: Will staff get credit cards, too?

The Hon. K.T. GRIFFIN: No, staff do not. The Hon. Mr Cameron must recognise that everybody is sensitive to the issue of credit cards. That was the focus of attention by the Auditor-General. There are very tight controls over credit cards in government, whether by public servants or by Ministers, and that is where it is at.

In terms of staff, I have already indicated that, for the non-Cabinet Minister's office, there will be a personal assistant or secretary and a research assistant. All the administrative responsibilities will be handled by the Cabinet Minister's office. In my case in the ministry of justice, it will be handled by my office and we will provide the administrative services to the non-Cabinet Minister. That means that, in terms of dealing with police issues, for example, there will be staff in the administrative office who will process the dockets in relation to that, and advice will go to the non-Cabinet Minister as it will come to the Cabinet Minister about issues which are raised within a particular area of the portfolio.

Without having been in a ministerial office, I do not think that one can really appreciate that all that interrelationship needs to be supported by proper administration. We are endeavouring to provide efficient administration, which will be subject to scrutiny, anyway, by the Auditor-General, I would expect, and by members opposite. The real test will come after this has been operating for 12 months and reports are presented to Parliament through the financial statements and the Auditor-General's Report into the affairs of the State.

Clause passed.

Clause 6 passed.

Clause 7.

The Hon. P. HOLLOWAY: This relates to the appointment of a parliamentary secretary to the Premier. We already know, as has been announced by the Government, that the Hon. Julian Stefani will be appointed to that position, but my colleague the Hon. Ron Roberts asked earlier whether there would be a duty statement of the role of parliamentary secretary. The Attorney-General answered that there would not be.

The Hon. K.T. Griffin: Not in the Statute.

The Hon. P. HOLLOWAY: Yes, but the Attorney should tell us exactly what he envisages the role of the parliamentary secretary will be, particularly as this position will be paid 20 per cent more, which is somewhat in excess of the salary paid to each Chair of the parliamentary committees, and so on. One expects that the taxpayers will get some value for a quite substantial amount of money. Can the Attorney tell the Committee exactly what the parliamentary secretary will do?

The Hon. K.T. GRIFFIN: There is only one parliamentary secretary, it is not plural, and my understanding is that the parliamentary secretary will assist the Premier, particularly at present in the area of multicultural, ethnic and international affairs. That role will be important in ensuring that the multicultural and international communities are well informed about Government policy and decisions, that in terms of the Government's being properly linked in with those communities, we know what their concerns are about the issues that affect them in their daily lives.

It may well be that as parliamentary secretary the honourable member will be involved in attending other functions. My understanding is that the Hon. Julian Stefani attends a huge number of multicultural and ethnic affairs functions each year, at considerable personal cost, I might say. I do not think it is appropriate to flag that personal cost in here; that is a matter for him personally. But it is appropriate that if someone is spending a huge amount of time—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I do not know what the members of the Opposition do; whether they turn up for a free feed or whether they pay. That is a matter for them. I am not inquiring into how members opposite handle their personal or parliamentary affairs. Each one has a different constituency and it is a matter for them to operate. Provided they operate within the law that is fine. The moment any of us step beyond that line then we can all expect to be the subject of public scrutiny and criticism. Let us not beat around the bush about it. If members opposite go to functions without paying, that is a matter for them. If they prefer to go and pay, again that is a matter for them.

In terms of being in Government and attending a wide range of functions which the Premier is unable to attend and to represent the Premier, which does require considerable effort, it is quite appropriate that the parliamentary secretary be at least partially remunerated for the work that he or, at some time in the future, she may do. All members know that if all of us, on both sides, sought to claim full remuneration for what we do that remuneration would be very much in excess of what is being paid at the present time.

There are members, on both sides, Ministers and non-Ministers, who work very long hours. That is not an issue in focus now. It is a fact of life that we all have to accept. If as a representative of Government the parliamentary secretary is undertaking a substantial personal sacrifice beyond the call of duty as an ordinary member of the Parliament, then I do not think it is unreasonable to acknowledge that that member should receive at least some remunerative recognition for that work.

The Hon. R.R. ROBERTS: I commend the Minister for Justice on his commitment to reimbursement of costs for members of Parliament attending functions. I am sure when we put in an application for use of ministerial cars for shadow Ministers to attend the same functions as the Minister that we will have at least one vote in Cabinet in support of us. One assumes that the parliamentary secretary will have access to the same car pools as the shadow Ministers? Is that is correct?

The Hon. K.T. GRIFFIN: That is not correct. Shadow Ministers are not members of the Executive arm of Government.

The Hon. R.R. ROBERTS: Junior Ministers have access to the pool. Does the parliamentary secretary have the same access?

The Hon. K.T. GRIFFIN: I misunderstood the honourable member; I thought he was referring to shadow Ministers.

The Hon. R.R. ROBERTS: Will the parliamentary secretary have the same access to the car pool as the junior Ministers?

The Hon. K.T. GRIFFIN: I am not able to answer that question. I will have to get back to the honourable member.

The Hon. R.R. ROBERTS: I do not want you to give away Cabinet confidentiality, but will the Government provide the Parliament with a job specification for a parliamentary secretary so that we know exactly what we are buying, that we are not buying a pig in a poke, or will that be confidential between the Premier and the parliamentary secretary?

The Hon. K.T. GRIFFIN: I think it is a reasonable proposition to have a job specification. I have endeavoured to give you that now. It is not something that I can do in the course of this debate other than what I have already indicated. It is not unreasonable for that to be the subject of public scrutiny. I will put it to the Premier. I would expect there to be no difficulty in presenting that in due course.

The Hon. R.R. ROBERTS: Does the Attorney know whether it is the intention of the Government to provide itemised accounting for this in the departmental report each year? Will an itemised breakdown of the costs of parliamentary secretaries be tabled in the Parliament? Will it show up in the balance sheet for the Auditor-General's approval?

The Hon. K.T. GRIFFIN: I do not have that sort of detail available. If it is not, obviously the honourable member who is diligently pursuing this issue now will raise the question. All I can do is take that question on notice and refer it to the Premier.

The Hon. R.R. ROBERTS: I know that the Attorney-General covered some of the points that I am about to raise in his second reading explanation and in his responses. I understand that junior Ministers will not be part of the Cabinet but they will be in the House. Some junior Ministers will be in the House opposite to the Minister that they represent. Is it the intention of the Government for those people to be asked questions and give answers or will they be able say, 'Well, I am not a senior Minister therefore I do not have to answer'? Will they be required to answer questions, and I particularly refer to Standing Order 111, which provides:

> A Minister of the Crown may, on the ground of public interest—

and that is the only grounds that it specifies—

> decline to answer a Question; and may, for the same reason, give a reply to a Question which when called on is not asked.

Is it the Government's intention that the Minister can be questioned as a Minister in either House, and will it be the same situation for parliamentary secretaries, to be questioned and not hide behind the fact that they are not a Minister? In fact they do have a particular interest in the subject and so we can use that; they can be questioned under another Standing Order. What will be the official line when we want to question a junior Minister, whether he be in the House with the Minister or in another House? In particular, what will be the situation for scrutiny of parliamentary secretaries by each House of Parliament?

The Hon. K.T. GRIFFIN: I can deal with the parliamentary secretary issue very quickly. It is not intended that there be any change from the present position, that parliamentary secretaries are not members of the Executive Government and therefore will not be required to answer questions raised as though he or she were a Minister. That ultimately comes back to the way in which the Standing Orders might be construed in terms of the questions that may be asked of any member. Clearly, Standing Orders relate to questions to Ministers; they do not relate to questions to parliamentary secretaries, and a parliamentary secretary is not a member of the Executive arm of Government.

In terms of the non-Cabinet Ministers, my understanding is that they will be available to answer questions on their particular area of responsibility, but that is an issue that will be further developed between the Cabinet Minister and the non-Cabinet Minister once the appointments have been made. Again, I have just an element of reservation in that. However, before this matter is concluded in the House of Assembly we can put that issue beyond doubt completely. But it is my understanding that they will be available. In terms of Bills, however, and the justice portfolio, and for the other Ministers, too, it is the Cabinet Minister who will be responsible for dealing with the policy issues and taking legislation through a particular House of Parliament rather than the non-Cabinet Minister.

The Hon. R.R. ROBERTS: I understand that the Attorney-General has made it very clear that a junior Minister and a parliamentary secretary is not a Minister and not constrained by the responsibilities of a Minister.

The Hon. K.T. Griffin: I said a parliamentary secretary is not a Minister.

The Hon. R.R. ROBERTS: He is not constrained by being a Minister. I refer the Attorney-General to Standing Order 111 as a point of clarification. It states:

> A Minister of the Crown may, on the ground of public interest, decline to answer a Question; and may, for the same reason give a reply to a Question which when called on is not asked.

Clearly, as I understand it—and I have had some clarification on this on another occasion—that motion gives a specific right to a Minister and by inference and by law, as I understand it, it does not confer that right on anyone else. It states that a Minister may on the ground of public interest—that is the only ground provided for in the Standing Orders on which he may decline—decline to answer a question and may for the same reason give a reply to a question when not asked.

The Attorney-General is saying that in future, if we go to the interpretation of Standing Order 111, which states that a Minister may refuse, it does not give that right to any other person. I refer to Standing Order 107 which states:

> At the time of giving notices Questions may be put to a Minister of the Crown relating to public affairs; and to other members—

it can go to a Minister of the Crown and other members—

> relating to any Bill, motion, or other public matter connected with the business of the Council, in which such members may be specifically concerned.

I put to the Attorney that, if the parliamentary secretary is to be appointed, he falls within Standing Order 107 and is not protected by Standing Order 111. Is that not the case?

The Hon. K.T. GRIFFIN: No, it is not the case.

The Hon. R.R. ROBERTS: We will have to dispute this at the Standing Orders Committee.

The Hon. K.T. GRIFFIN: The honourable member can argue that when he takes a point of order at some other time in relation to parliamentary secretaries. No-one has to answer a question in this place. The specific reference to Ministers is in there because Ministers are members of the Executive arm of Government and, in a sense, it is a protection for Ministers specifically to decline.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: If I decided to ask the Hon. Ron Roberts a question, he can decline to answer. He has the same rights as any other member. As a Minister of the Crown it is put beyond doubt in the Standing Orders that a Minister, as a member of the Executive arm of Government, can decline on the basis of public interest.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: They are pretty wide grounds. I suppose we will have this debate on another occasion when the honourable member challenges the President's ruling. I presume it will be the President's ruling that members, including parliamentary secretaries, are not compelled to answer questions. But I acknowledge the ingenuity of the honourable member and the argument that he is putting but the fact is that that ingenuity is fatally flawed.

The Hon. T.G. CAMERON: Earlier the Minister for Justice stated, if I heard him correctly, that he would be prepared to release a job specification for the parliamentary secretary. Did I hear the Minister correctly?

The Hon. R.R. Roberts: He thought it was a reasonable proposition.

The Hon. T.G. CAMERON: I thought he went further and said that it would be looked at and they would do it. Is the Minister indicating the Government is prepared to release a job specification for the parliamentary secretary?

The Hon. K.T. GRIFFIN: What I said in answer to the Hon. Ron Roberts was that I did not think there was any difficulty in releasing some form of job specification. I have tried to identify what the job's specification will be, which is basically what it is at the present time. If it has to be translated into a document for the interest of members, I would have thought there would be no difficulty with that. As I indicated in my reply though, it is an issue that I will take up with the Premier.

The Hon. T.G. CAMERON: Pursuing that point, I am still not sure whether or not they will provide a job specification. What we are really looking for is a job description. If the Minister is game enough to provide a job specification, good luck to him. My question is in relation to a job description.

The Hon. K.T. GRIFFIN: I do not want to split hairs about it. I have genuinely tried to answer what I understand to be the scope of the role of the parliamentary secretary. I suppose that is really what we are after. We are talking about the scope and the nature of the role. I have indicated as best I can what I understand to be that role, but ultimately it is a matter for the Premier and I will refer that to the Premier. I would expect that there would be no difficulty in trying to crystallise that into something which might be available to members but it is an issue that is in the hands of the Premier and I will take it up with him.

The Hon. P. HOLLOWAY: I want to clarify one matter in relation to parliamentary secretaries. I indicated earlier that the Government indicated that it would appoint one parliamentary secretary, the Hon. Julian Stefani, but it seems to me that this particular measure allows the Government to appoint more. During this term does the Government intend to appoint further parliamentary secretaries other than the one person who has been indicated by the Government to date?

The Hon. K.T. GRIFFIN: The honourable member refers to the Government being able to appoint more than one parliamentary secretary. I think constitutionally that is correct, but not to appoint one who will be able to be paid. Section 68 of the Constitution Act will still allow parliamentary secretaries to be appointed, but they will suffer—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I disagree with the Auditor-General and I have indicated that.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: The Auditor-General puts a view. The Government is not bound by it but the Government must respect it and I disagree with the Auditor-General's position on it—simple. The difficulty will be that an appointment under section 68 will mean that the parliamentary secretary, if ever appointed under that section of the Constitution Act, would not be able to be paid. There is no capacity in this Bill, as I interpret it, to allow the appointment of any more than one parliamentary secretary on a paid basis. If the honourable member has an argument that says I am wrong I am happy to listen to it but that was certainly the intention. I cannot say whether or not there will be other parliamentary secretaries appointed under section 68 of the Constitution Act, but even if they are, as I say, there will be the perceived disadvantage that they will not be able to be paid.

The Hon. P. HOLLOWAY: The other question relates to the Auditor-General's report tabled on Tuesday. In part of his report at page A.4-8 under the heading 'Further Observations' the Auditor-General states:

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

Given that the Hon. Julian Stefani has been nominated as a member of the Statutory Authorities Committee, I wonder how the Government intends to deal with this particular view of the Auditor-General and what advice will he give his colleague in relation to conflict of interest situations in that regard?

The Hon. K.T. GRIFFIN: I do not see that there is a problem. It is not in conflict with the Auditor-General's advice. If the honourable member looks at the principal Act—and we are going back to clause 4—section 45 of the Constitution Act provides:

> If any member of the Parliament accepts any office of profit or pension from the Crown, during pleasure, excepting those offices

which are required by or under this Act or any other Act to be held by members of Parliament, his seat shall be thereupon and is hereby declared to be vacant.

Subsection (1a) provides:

Subsection (1) does not prevent a member of the Parliament from accepting office as a Minister of the Crown, or a Minister of the Crown from accepting an appointment to act in the office of another Minister.

It then talks about a candidate. In clause 4 of the Bill we seek to amend that so that subsection (1a) will read:

Subsection (1) does not prevent a member of the Parliament from accepting office as a Minister of the Crown or as parliamentary secretary to the Premier, or a Minister of the Crown from accepting an appointment to act in the office of another Minister.

Therefore, I do not think that it is a difficulty.

The Hon. P. HOLLOWAY: If I could just explain that a bit further, I was suggesting not that the Hon. Julian Stefani should not be on the committee but that, in relation to his absenting himself and so on from matters that come under his role as parliamentary secretary, I assume that the advice to the parliamentary secretary would be that he would have to be absented from the consideration on that committee of any matters that related to his duties as parliamentary secretary to the Premier. Would that be a correct interpretation?

The Hon. K.T. GRIFFIN: I will take that on notice.

The Hon. R.R. Roberts: Well, we'll report progress and come back.

The Hon. K.T. GRIFFIN: No, you won't.

The Hon. R.R. Roberts: We'll divide.

The Hon. K.T. GRIFFIN: Well, you might. It depends on the numbers, doesn't it!

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: That's all right; I'm a man of the world. I do not have a concluded view on the position of the Auditor-General. I intend, although I have not yet done it, to have the Crown Solicitor and the Solicitor-General look at some of these legal issues, as we have done in relation to one or two other matters that were raised by the Auditor-General in previous reports. Personally, I would not have thought it was a source of difficulty.

It is quite proper for the Auditor-General to raise the issue, but I would not have thought it was a matter that created any problem. Obviously, if there was information that raised a conflict of interest, that would be a different matter, but I question whether this was in fact a conflict of interest. I will take that part of the question on notice and have it properly considered. I expect that when the law officers of the Crown have looked at it we will be able to bring back a reply.

The Hon. T. CROTHERS: I have a further question of the Attorney which also relates to the membership of the member in question of the Statutory Authorities Review Committee, and I now speak as a member of that committee. The way in which the Statutory Authorities Review Committee can take up issues is three-fold. One way is for the Parliament or a House of the Parliament to refer matters to it for consideration. It may well be that the Hon. Mr Stefani, in his position as parliamentary secretary to the Premier, will be bound by executive Government policy when the House refers a matter for consideration in an independent fashion to the Statutory Authorities Review Committee for its consideration. Is it fair to expect the Hon. Mr Stefani, as secretary to the Premier, and sitting as a member of that committee, to reflect in an independent fashion on the deliberations of that committee in respect of a matter referred back to it by the Parliament if he is bound by the policies of executive Government in his position, should this Bill go through?

If the Attorney-General can explain that one to me I will certainly be quite satisfied, but I do not think he can. I wait with bated breath to hear the Attorney explain to me how it will be possible under the conditions I have outlined for the Statutory Authorities Committee to exercise its parliamentary independence far and away from the position taken up from time to time in respect of policy by the Government or any of its executive committees.

The Hon. K.T. GRIFFIN: The honourable member can start breathing again, rather than holding his breath. I do not believe there is any issue in what the honourable member is raising. If we look at the way in which the Parliament deals with business, we see that there are from time to time select committees in which a Minister may have a specific interest. Does the honourable member say that the Minister should no longer be entitled to be a member of a select committee or to chair a select committee because there is an issue that is relevant to the Minister's portfolio—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: You may not—being investigated? Members really must address the issue that they are each respectively members of the Legislature; and that, apart from matters of specific pecuniary interest which they must declare under the Standing Orders and which has some consequences—and that is a pecuniary interest that is personal to them and not held in common with other citizens—every member is entitled to participate in the decision making processes, even if there is a matter in which there might be more the general public interest that he or she may represent affected by the deliberations. Whether it is the Statutory Authorities Review Committee, a select committee or any other body in the Parliament—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: It is. With respect to the honourable member, the issue of principle is the same. It does not matter whether it is the Statutory Authorities Review Committee, a select committee or even the broader deliberations of this Council. It does not matter: the principle is the same. Each member has a responsibility under the Constitution, by convention, to represent the interests of his or her constituents. That means that if there is a select committee on which a member has the interests of a constituent there is no reason why that member should not continue to represent those interests in a partisan fashion on a select committee, in terms of a parliamentary secretary.

If a parliamentary secretary representing the Premier is pursuing a particular issue on the basis of what might be regarded as Government policy, there is no inconsistency with that member's being on a select or standing committee that is addressing that issue. If there is a problem with that, we then have to look at Ministers on select committees. It may be that members opposite wish to do that but, of course, they must also remember that one day they hope to be back in government and that what cuts one way now will cut the same way on a subsequent occasion.

So, we must try to look at this with some sense of balance and try not to develop a so-called principle in a way that denies members, Ministers and parliamentary secretaries their legitimate role in the Parliament.

The Hon. T. CROTHERS: Now that my diaphragm is working again, I would like to say that I understand what the Attorney has said! I said that it does not exactly compare an apple with an apple. The point I am making (and I will

address it again) is that if the honourable member does become secretary to the Premier he can be bound by Government policy. The Attorney chose to continue in relation to the Stirling bushfire committee—but that was a bit different because that was a continuance during a transitional period of Government, just the same as the Hon. Mr Lucas and Marineland was a transition of Government between political Parties.

That is not comparing an apple with an apple, and if it is the Attorney is suggesting that the only purpose for which a Minister would sit on a select committee is to push forward Government policy. If that is so, that is a shame of extreme magnitude.

What I am saying to the Attorney in deference (and I am trying to protect the Hon. Mr Stefani) is that if he is bound as a parliamentary secretary to the Premier, the holder of the highest office in this State, he may well be bound by policies of Executive Government in such a manner that he cannot freely and fairly exercise the voting powers conferred on him as a member of the Statutory Authorities Review Committee.

The Attorney is not suggesting to me, I hope, that Ministers should be barred from select committees because they might have to push Government policy and be bound by it. If the Attorney cannot see the difference in respect of the fine point I am making, then I am afraid I shall have to revert to calling him the 'Minister for justice denied'.

The Hon. K.T. GRIFFIN: I remind members that a select committee dealing with the Stirling bushfires, as was raised by the honourable member—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: —as I recollect, was chaired by the Hon. Anne Levy. She was the Minister for Local Government, and her behaviour was the subject of criticism.

Members interjecting:

The Hon. K.T. GRIFFIN: If we want to start talking about these issues, there are lots of examples we can raise. There are lots of issues on which one can focus where it puts the lie to the issue which the honourable member now argues. If a parliamentary secretary is a member of the Statutory Authorities Review Committee and there is an issue upon which he may have a view that might coincide with a Government view, that does not prevent him from exercising his responsibility at all. That does not mean that he is a member any less capable of representing his own views.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: Okay. Let us not argue the theory too much. I am sure that members opposite will be only too quick to pick up issues where they believe there is a conflict or where they believe someone has acted inappropriately.

The Hon. A.J. REDFORD: I could not help but hear the Hon. Trevor Crothers raise the point about parliamentary secretaries being bound by a decision of the Premier. I ask this of members opposite, and I ask it more in a rhetorical sense than in any other way: what is different between that and the pledge you all sign? What is different about having Labor Party members vote in accordance with their pledge and what is decided behind closed doors in their Caucus room, despite the fact that they might hold a different point of view?

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member interjects 'conscience votes'. I am not talking about conscience votes; I am talking about a matter of principle and as a rule. In the last Parliament two of their most intelligent members, from where I sat watching in the Lower House (I will not comment on anyone here), were the Hon. Frank Blevins and John Quirke. A number of times they stood up in the Parliament and said, 'I disagree with my Party line,' but where did they vote? They voted with their Party. On what basis did they vote? They voted on the basis of a discussion and of a vote which was taken behind closed doors outside the public gaze; and if they cross the floor they are ostracised.

Look what happened to Normie Foster: he crossed the floor, gave us Roxby Downs and was ostracised by members opposite. It ill-behoves the honourable member to come into this place and talk about one parliamentary secretary on the odd occasion being bound by Government policy. Members on this side of the Chamber have a freer rein to exercise our conscience votes and represent our constituents' interests, even as a parliamentary secretary, than does even one member opposite. No matter how junior or how far back they are on the back bench (if I look the Hon. Ron Roberts in the eye), they cannot exercise any free decision making.

If the Hon. Trevor Crothers wants to make these points of principle he ought to go back to his Caucus or State Council and say, 'Let's free up our members of Parliament to properly represent their constituents and bring back some reality into the parliamentary process.' The ball is very much in their court. When members opposite start setting up those principles perhaps we might look at reforming ourselves. They are a long way behind us on that issue of principle.

Clause passed.

Clauses 8 to 10 passed.

Clause 11.

The Hon. P. HOLLOWAY: This clause sets out the schedule of remuneration for the new Ministers and parliamentary secretary. On what basis did the Attorney come up with this figure of 41 per cent for Ministers of the Crown who are not members of Executive Council and 20 per cent for the parliamentary secretary, given, as I said earlier, that the Chairs of the parliamentary committees of this Parliament, in my view, have a very important and quite demanding job and are paid considerably less than the parliamentary secretary?

The Hon. K.T. GRIFFIN: I do not wish to enter into a debate as to relativity, particularly with members of committees and presiding members of committees. I am sure members will raise that issue on other occasions. The Hon. Mr Elliott interjected that he had already dealt with the issue. He had in terms of the calculation, certainly in terms of the Ministers of the Crown who are not members of Executive Council. The division is pure arithmetic after deducting the 20 per cent for the parliamentary secretary. It was judged that 20 per cent was an appropriate level based upon the workload of the parliamentary secretary.

Clause passed.

Title passed.

Bill read a third time and passed.

GAMING MACHINES (GAMING VENUES IN SHOPPING CENTRES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 40.)

The Hon. P. HOLLOWAY: On behalf of the Opposition, I indicate that, as this Bill involves a conscience issue, members of the Australian Labor Party will exercise a

conscience vote on this measure. In 1992, when the gaming machines legislation first went through Parliament, I supported the Bill on various grounds. At that time, the hotels and clubs of this State had been adversely affected by a number of changes to legislation involving random breath testing and the reduction of the blood alcohol limit to .05, and that had a big impact on the viability of many hotels in this State. At that time, poker machines were being introduced across the border, and it was my view—and I am sure it was the view of many other members at the time—that the introduction of those poker machines in Victoria would have had a big effect on the economies of those centres such as Mount Gambier, Bordertown and Renmark that are fairly close to the border. As well as that, other States were increasing their share from gaming taxes. Given the state of the State's finances, I am sure that that was also a factor in the decision of many members to support the introduction of those machines.

Given what has happened over the past five years, I still support the decision. However, given the benefit of hindsight, I would like to change a couple of things. It would have been better if we could have had some differential between the treatment of hotels and clubs. As it was, we did not really have a choice, because my understanding was that an agreement had been reached between hotels and clubs that they be treated equally. It is unfortunate that in the past five years the clubs in this State, which do have an important social role and which are the backbone of many sporting institutions, have not perhaps fared as well as they might out of the legislation.

A problem has also arisen in multiple line gambling and other innovations. The amount of money that can be turned over through an individual gaming machine is larger than it could have been. One reason I supported poker machines five years ago is that there were many alternative means of gambling, for example, the Casino and horse racing. With either of those forms of gambling, it was possible to lose a week's wages with just one single bet. At least with poker machines, there would be two benefits for the individual who was gambling: first, that at least they would get some return through the hotel and club facilities and, secondly, the rate at which they might dissipate their money would be somewhat reduced. However, some changes to gaming machines have altered that, and they would be measures we could look at in the future.

In those five years gaming machines have led to some substitution in the way people spend money. Some people are now choosing to play gaming machines and are not spending their money in other ways, and that has resulted in some losses to small retailers and job cuts. However, on the other side of the coin, we need to recognise that there has been a great growth in the hotel industry. The hotel industry is much more viable than it was when it was in the sick state it was in five years ago. A large number of jobs have been created and there has been a large amount of investment in that industry. If we are looking at the impact of poker machines, we need to look at the pluses as well as the minuses. Nevertheless, there is some concern within the community. The Hon. Nick Xenophon spoke earlier, and he well represents the concern about some of the problems that have arisen with poker machines. It is the duty of this Parliament to recognise that there are problems with poker machines, and we have an obligation to try to redress as best we can those problems where they arise.

Whereas I am still happy to support the existence of poker machines in this State, we should address some of the problem areas. I am not sure that this Bill does that very well. Indeed, it makes only a peripheral attempt to address some of the major problems with gaming machines. For a start, of the 10 000 poker machines in this State, at present very few of them—certainly fewer than 10 per cent—would be located in hotels which are a part of shopping centres, and I am not aware of any great move to increase that number. On the other hand, the problems I indicated earlier, such as the speed with which money can now pass through gaming machines, are problems that would be much better addressed and would have a more significant impact on the problems associated with gaming machines.

We ought to recognise, too, that, although some people have a chronic problem with gambling addiction, many other people in the community enjoy playing these machines. Poker machines would not be successful if there was not a widespread acceptance through the community. It needs to be put on the record that many people enjoy playing the machines and the facilities provided through the gaming establishments, and we need to recognise that. On the surface this Bill is a fairly simple measure: it seeks to prohibit poker machines in shopping centres. If we were to ask, I am sure that the vast majority of the general public would say, 'Of course, we don't want any poker machines established in our shopping centres where they would be visible from the main malls and people doing their daily shopping.'

In my experience that has not been the case where poker machines are presently located, and I think that poker machines are located in 22 establishments within shopping centres. One case that is known to me is that of Castle Plaza. It is interesting to note that the site on which Castle Plaza is located originally contained a hotel which was approximately 100 years old and which was knocked down to build a new shopping centre, and a tavern was included as part of the development. That example would be fairly typical of the situation where hotels and gaming facilities are associated with shopping centres. In those sorts of locations it is not possible to see the gaming facilities from the general shopping areas and, indeed, the entrance to those gaming facilities is outside the building.

Those buildings are generally located at the far end of the shopping centres and, in my view, it is good planning policy to incorporate hotels with their gaming facilities within shopping complexes. It makes good use of the parking facilities because, generally, the custom of the hotel occurs at a different time from when people shop. I think it makes good use of the scarce parking space that we have available in our suburbs. I have some doubts about this whole Bill and whether it is a particularly good measure. It is my fear that if we pass the Bill in its current form it may worsen rather than help development in this State. Nevertheless, I do accept that there is public concern over this issue. I share the concern that we would not want to see poker machines in a visible position within shopping precincts where people, who are going about their ordinary business, may be attracted to play them. It is certainly good planning that gaming machines be located well away from shopping malls. However, I am not sure that this Bill is the best way to go about it. This Bill has one grave deficiency and it relates to the question of retrospectivity which I oppose and about which I will provide some details shortly.

To get to that point we need to understand the background of this whole measure. On 17 August this year the Premier, in the *Sunday Mail*, announced that he would outlaw the provision of gaming machines within shopping centres. I

have a copy of the Premier's announcement and it certainly does not make any reference to retrospectivity. Incidentally, the Premier's press release is dated 17 August and the *Sunday Mail* is dated 17 August, so one can assume that the journalist who wrote this article had some advance notice of it. The article states:

> The Olsen Government has acted to halt the spread of poker machines. From today pokies will no longer be allowed in shopping centres but machines can still be installed at pubs and clubs and those applications already under consideration will not be affected.

As I said, that article appeared in the *Sunday Mail* dated 17 August, the same day as the Premier's press release which said much the same thing but which made no reference to applications already under consideration. Certainly if that statement in the *Sunday Mail* was wrong, the Premier had plenty of opportunity to correct it, but he did not do so. One can only assume that it was the intention of the Government at the time that there be no retrospective element in relation to this legislation. Mr President, I seek leave to conclude my remarks.

Leave granted.

[Sitting suspended from 12.59 to 2.15 p.m.]

ERITREA, AMBASSADOR

The PRESIDENT: This morning I received His Excellency the Ambassador of the Republic of Eritrea.

OMBUDSMAN'S REPORT

The PRESIDENT: I lay on the table the report of the State Ombudsman 1996-97.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Justice (Hon. K.T. Griffin)—

Reports, 1996-97—
Commissioner for Consumer Affairs
Legal Services Commission
Listening Devices Act 1972

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

South Australian Health Commission—Report, 1996-97
Papers.

QUESTION TIME

TRANSPORT POLICY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport a question on the subject of the Liberal Party's transport policy.

Leave granted.

The Hon. CAROLYN PICKLES: The Liberal Party's transport policy released at the State election committed the Government to undertaking studies into the following areas: a 10-year plan to expand the Glenelg tramline north; the O-Bahn south; a rail link to Football Park; replacement of tramcars on the Glenelg line; and upgrading of Adelaide's metropolitan railway stations. My questions to the Minister are:

1. Which of the Minister's five transport studies have commenced and at what stage are they?

2. Has the Minister called for tenders and expressions of interest for the five consultancies?

3. What is the estimated cost of each of these consultancies?

The Hon. DIANA LAIDLAW: As the honourable member would appreciate, a new department has been formed which embraces urban planning with transport and the arts, and it is one that will work well in the interests of passenger transport and the community as a whole. A group representing passenger transport, TransAdelaide, urban planning and the old Department of Transport met last Friday and has prepared a forward plan for the undertaking of these cost-benefit studies, including the consultancies that will be required, and further work has to be done on refining that plan. I understand that I will receive the final plan within the next couple of weeks and then we will be able to commence these studies in a formal sense.

The honourable member would appreciate that much work has been done over the years, particularly on the Glenelg tramline extension issue, so in some areas the studies will be brief and will not cost that much because we will be gathering together and updating earlier work. In other areas, it will be more lengthy and complex and therefore more costly because of the nature of the project. When I have further information, I will be pleased to provide it to the honourable member.

UNEMPLOYMENT

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the Government's unemployment target.

Leave granted.

The Hon. P. HOLLOWAY: On Tuesday I asked the Treasurer a question about the Government's unemployment target and I pointed out that the Government's budget papers for the current financial year forecast a jobs growth rate of 1.5 per cent or 10 000 jobs per annum through to the year 2000. The Centre for Economic Studies, in its paper which was released for SA Great yesterday—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I am about to refer to it, which will please the Hon. Legh Davis—predicted that the most likely jobs growth rate for this State will be 1.1 per cent or 8 400 jobs per annum through to the year 2010. To achieve the Premier's target of reducing South Australia's unemployment rate to the national average by the year 2000, at least 20 000 additional jobs per year need to be created. My question is: does the Treasurer stand by his Government's commitment to reduce the State's unemployment rate, including youth unemployment, to the national average by the year 2000?

The Hon. R.I. LUCAS: As to any commitment given by my Premier—our Premier—all members of the Government are rock solid 100 per cent behind him.

YATALA LABOUR PRISON

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Justice a question on the Yatala prison budget.

Leave granted.

The Hon. T.G. ROBERTS: I have inside information, which probably puts a new meaning on the word, that with cuts to the number and allocation of officers in Yatala to cover illness and absence, overtime has to be worked by a smaller number of people. From the information given, my understanding is that the increased number of hours at penalty rates has caused a blow-out in the budget, which leads me to believe that the cutting of numbers would not be a desirable outcome if the budget bottom line is to hold down costs inside the gaol. My questions are:

1. Has the Minister for Justice any information regarding the budget blow-out? I have been informed that it is about $400 000.

2. If he does not have that information with him, can he provide it as soon as possible?

The Hon. K.T. GRIFFIN: I am not aware of the budget situation for Yatala Labour Prison. If there has been some overrun, I am sure that it will be properly managed. If there has not been, I will be delighted to tell the honourable member that is the case. I will seek some information from my department and bring back a reply.

RETIREMENT VILLAGES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question relating to retirement villages.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. IAN GILFILLAN: I sense that great consideration of my future life track is being shown by the Minister and the members of the back bench. I want to assure them that I do not intend to benefit from the use of this particular pleading in the foreseeable future. I am assured by representatives of SARVRA (South Australian Retirement Villages Residents Association) that the great majority of retirement villages are run professionally and are a credit to their owners and residents. They made it quite plain that they wanted me to emphasise that. However, concerns have been expressed about the situation in a minority of retirement villages. They have told me that some residents are at risk of injury, stress-related ill health or even premature death because the State Government does not require minimum standards to be observed. In this minority of retirement villages, residents are struggling to cope with, amongst others, the following problems.

Many residents are unable to get an explanation or an itemised account of their regular maintenance charges and so are unable to tell whether they are being overcharged. When a resident quits a retirement village, exorbitant charges can and have been levied by owners to re-licence the unit to a new resident. In a number of cases, residents have been stunned by the extent of these fees and face enormous difficulties fighting to have them overturned or reduced. They claim that that is because the Act refers all disputes to the Residential Tenancies Tribunal. Many residents find this an unnecessarily legalistic and stressful approach. They would prefer disputes between residents and owners to be settled within a retirement village or by an independent mediator before they end up in the quasi-judicial Residential Tenancies Tribunal.

The Retirement Villages Act 1994 (section 4) gives the Minister for Consumer Affairs the power to exempt any retirement village or group of villages from any or all of the requirements of the Act. There are no public register exemptions that have been granted. I must say that I have had some difficulty getting detail of the exemptions that have indeed been granted. I have been told that, in practice, retirement villages run by non-commercial community or church organisations are often exempted from aspects of the Act. If this is so, then the SARVRA opinion is that it has created two standards and therefore has given some residents a lower standard of legal protection.

There is a great variety of confusing legal documents used in the retirement village industry. This has created work for lawyers, because every intending resident is urged to get independent legal advice on any proposed agreement. Many residents would prefer to have a standard pro-forma contract written in plain English, or appropriate language, which can be altered where necessary but which serves as the basis for all retirement village agreements.

The Act envisages codes of conduct for retirement village operators but makes it clear that any codes of conduct are entirely voluntary, and provisions in a code of conduct can be ignored in any agreement with new residents. There is no consistent, clear standard for the design and construction of retirement villages, which has allowed villages to be constructed with insufficient access for ambulance stretchers, unnecessary steps, cupboards too high, ovens too low, and so on. In addition, some retirement villages are in inappropriate places such as very hilly areas or away from public transport.

One retirement village owner who owns several villages has not allowed SARVRA to attend a residents' committee meeting. This owner has received a letter from the Office of Business and Consumer Affairs requesting an explanation but to this day has not replied. It is clear from the submission from SARVRA that there is a deep sense of dissatisfaction with this minority of retirement villages that do not comply with satisfactory standards. Will the State Government consider introducing compulsory licensing or registration of retirement villages, including the imposition of mandatory minimum standards of design, construction and financial reporting to residents?

The Hon. K.T. GRIFFIN: The short answer is 'No'—but there is a longer answer. There are a lot of issues raised by the honourable member. Obviously, I will have to have them looked at and I will bring back a more comprehensive reply. The honourable member raised questions about exemptions. I do not recollect having granted any exemptions but, again, I will have that checked. It may be that, among the many papers that have gone across my desk in the last four years, I may have signed an exemption or two, but I do not remember having done that. I will get some information about that.

The honourable member talks about confused legal documentation and about there being no standard pro-forma contract, which at least members of SARVRA would prefer. I am not convinced that it is confused legal documentation. The difficulty is that the title or licence to occupy retirement village units is described in different forms by different organisations. Obviously, the simplest is a strata title, or in more modern terminology a community title; but most of the retirement villages work on the basis of property being owned by one organisation but with licences to occupy, and then some other agreements which relate to management of the retirement village. There is a limit to which you can simplify that sort of documentation, because you do have to remember—

The Hon. Ian Gilfillan: Obviously they are concerned about it.

The Hon. K.T. GRIFFIN: We have a retirement villages advisory committee which meets on a regular basis, and that has not been drawn to my attention more recently. They may be concerned about it, but if you are to provide a licence to occupy for which people pay large amounts of money, you have to ensure that there is proper legal documentation to protect their rights and interests. If you want just a one page piece of paper that you buy at the stationers and fill out, then one is inviting a great deal of difficulty. I do not believe that any pro-forma agreement would necessarily be appropriate in every instance. As I say, there are various legal structures which are used to establish retirement villages. There may be no general standards applicable to the construction of retirement villages. Obviously, the Building Code of Australia applies, and I have not checked to see what the standards might be in respect of that. But they do have to conform to certain minimum standards under the Building Code.

In respect of the way in which the Retirement Villages Act is administered, as I said earlier, there already is a retirement villages advisory committee which does meet on a regular basis. SARVRA has regular contact with the Office of the Commissioner for Consumer and Business Affairs. The difficulty is that no Government, apart from having some heavy-handed bureaucracy, can solve all the problems. Even if you have heavy-handed bureaucratic registration or licensing processes, you still will not solve the problems. Certainly, our Government is reluctant to introduce registration or licensing as proposed by the Hon. Mr Gilfillan.

The other confusing aspect of this is that the Commonwealth-supported Residential Facilities Scheme now overlaps with the Retirement Villages Act. I know that my officers have been working with the other State Government departments for human services in trying to work through the overlap between State and Federal responsibility and the extent to which the Office of Consumer and Business Affairs should exercise responsibility. Essentially, the Retirement Villages Act sets up a basis for the recognition of title and the mechanism for management. The other areas of standards are not part of that framework but come under the Building Code, council by-laws and so on. There are some other issues which the honourable member has raised. I will have those carefully looked at by my officers and bring back a reply in due course.

ADELAIDE FESTIVAL

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Adelaide Festival.

Leave granted.

The Hon. J.S.L. DAWKINS: Internationally, the Adelaide Festival is regarded as one of the three best arts festivals in the world, along with the Edinburgh and Avignon Festivals. The Adelaide Festival program was released by Artistic Director Robyn Archer in mid October to wide praise nationally and overseas. Since that time has the call for Christians to boycott the Festival by the Labor members for Spence and Peake in another place had any impact on ticket sales to date?

The Hon. DIANA LAIDLAW: That was a good question. I suspect the honourable member asks the question as a Christian but also one who loves the arts. That is right, is it not?

The Hon. J.S.L. Dawkins interjecting:

The Hon. DIANA LAIDLAW: Yes. I would like to respond positively by saying that the push in particular by the member for Spence (Michael Atkinson) has had no effect at all; in fact it may have prompted the remarkable sales of tickets which has been the response since the release of the program. As of Monday (five weeks since the whole of the program has been on the market), in terms of box office targets, 35 per cent of tickets have been sold, and this is outstanding. It is the best since 1988. Compared with the previous Festival, Barrie Kosky's popular Festival, this time two years ago only 5 per cent of tickets had been sold in terms of targets. So, it is up to nearly 32 per cent of box office targets. I am not sure whether I should be thanking Mr Atkinson for doing a fantastic PR job for the Festival because certainly his call for a boycott has backfired and no-one has listened.

However, it was Mr Atkinson who took exception to the poster, the Madonna and the accordion. I have no difficulty with anyone having an opinion on anything relating to the arts; everyone should. What I did take great exception to was the fact that he called for people to boycott the Adelaide Festival. Without question the Adelaide Festival is an icon for Adelaide. It is—

The Hon. R.I. Lucas interjecting:

The Hon. DIANA LAIDLAW: It is a particularly good question and interjection to which I will make reference. Mr Atkinson on more than one occasion, particularly through Father John Fleming's program, called for a boycott. I highlight one statement by Mr Atkinson on 17 August. He said:

> I think you have to take a stand and try to hit Robyn Archer and the Festival organisers in the only place it hurts and that is the wallet.

I do not think that hitting Robyn Archer or the Festival organisers anywhere, let alone in terms of the box office and the State Government's investment in the Festival, is a very clever idea. I wrote to the then shadow Minister for the Arts and Leader of the Opposition (Hon. Mike Rann) to ask him whether he supported this call for a boycott from the member for Spence. I received no answer to that question. I received a reply but no answer to that question. That was of some considerable interest to people in the arts and I know to some members opposite: that he as shadow Minister for the Arts did not distance himself from the call by the member for Spence for Christians to boycott this Festival.

The Hon. Mr Rann is always talking about bipartisanship, but as shadow Minister for the Arts and Leader of the Opposition he never distanced himself or the Labor Party from this call for boycotting something as important to Adelaide as the Festival. What I am pleased about is—as one would expect—that Robyn Archer's program is so outstanding that it has taken Australia and international attention by storm, and it has certainly generated enormous box office interest in this State. I note, too, for all members' attention, that I would expect a strong turn-out by members of the Labor Party to distance themselves from Mr Rann. I hear the new shadow Minister for the Arts (Hon. Carolyn Pickles)—and I welcome her appointment—saying a strong 'Hear! Hear!' to Labor Party members distancing themselves from their Leader who would not say that there would not be a boycott, the member for Spence who called for such a boycott and the member for Peake as well—although the member for Peake is a young junior and will soon learn and grow up in this sort of field.

Members opposite should realise that this Government has ensured, as it did on the last occasion, that Parliament will not be sitting during the period of the Festival and the Fringe, and it would be good to see them out and about and showing support for the Adelaide Festival and distancing themselves from Mr Atkinson, the member for Spence, in terms of his call for a boycott. I will not ask the Opposition how many tickets have been bought yet but I might in a week.

MARITIME SAFETY STANDARDS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about maritime safety standards around the waters of Boston Island near Port Lincoln.

Leave granted.

The Hon. R.R. ROBERTS: Recently I spent a couple of days in Port Lincoln talking to sub-branch members and fishermen. Whilst there I was approached by a number of constituents in the Port Lincoln area who expressed concern about the lack of adequate lighting in the Boston Island area. One particular constituent, whilst fishing late one night, came very close to colliding with two buoys attached to a heavy gauge rope. After closer inspection it was found that there were no navigational lights on the buoys, which were approximately 100 metres from the tuna farms. Not only were there no navigational lights on these buoys but also there were no white cross markings to indicate the fact that mooring ropes were in the area.

My constituent wrote to the Minister expressing his support for aquaculture in the Boston Island area but also expressing concerns to her as the relevant Minister in February of this year. A response was received from the Minister's office on 17 March which stated:

> I understand that the majority of tuna farms in the Port Lincoln area, including the farms within three nautical miles seaward of Boston Bay, are moored in waters under the jurisdiction of the South Australian Ports Corporation (Ports Corp).

Apparently, this correspondence was referred to the Ports Corporation, and to this day I am advised that my constituent has received no formal response and still nothing has been done to rectify this potentially dangerous situation. He says that not only is this a safety issue but also it has the potential to turn into a maritime pollution issue. Many boats use this area, and I am advised that some of them are quite large, with fuel on board, and unmarked mooring ropes could and would cause damage to a boat in the area at night.

Not only is this a dangerous situation but also it begs the question of who in this situation would be liable in the event of a catastrophe. As I understand the situation, under section 23(2) of the Harbors and Navigation Act 1993 the Minister may direct any person who carries on business involving the mooring, loading or unloading of vessels to establish, maintain and operate navigational aids of a specified kind at specified places. This area is used by the tuna boat owners, and I understand that the Tuna Boat Owners Association has known about this problem for some time. Would the Minister answer the following questions:

1. Can the Minister confirm that she has the authority and the power to impose maritime safety standards in this area, or, if she has delegated these powers, to whom has she delegated them?

2. Can the Minister confirm if this issue does come under the jurisdiction of the Ports Corporation, given the content of section 23(2) of the Harbors and Navigation Act 1993?

3. Can the Minister outline which department would be liable if a negligence action arose because of the current unsafe maritime standard? Would it be Ports Corporation, the Department of Transport's Maritime Safety Section, or indeed the Minister for Transport and Urban Planning? Clearly, this is a confusing situation.

4. Will the Minister give some sort of assurance that this potentially dangerous matter will be rectified forthwith, given that the situation has been as it is since the beginning of this year? I also note that the aforementioned correspondence from the Minister's office and signed by the Minister on 17 March 1997 states:

> Please be assured that DoT (Department of Transport) and the Ports Corporation will continue to make efforts to resolve this problem.

When does the Minister believe this problem will be solved?

The Hon. DIANA LAIDLAW: I am relieved to learn that the initial representations were promptly answered by me and my office. I regret that they do not appear to have been followed up actively since that time by the Ports Corporation and the Department of Transport, as I identified in that letter of 17 March. I will pursue the issues and detail, some of which is of a legal nature, and bring back a reply.

I should advise the honourable member that since the last election the Ports Corporation is a Government business: it is now the responsibility of the Minister for Government Enterprises. We may have to look at the matter of delegation from the Minister for Transport to another Minister and another agency. The honourable member may have highlighted an issue that we need to tidy up in a practical sense, in addition to addressing the issue that he has outlined.

NATIVE TITLE CLAIMS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Justice a question about native title.

Leave granted.

The Hon. CAROLINE SCHAEFER: As many members would know, I grew up with Aborigines on a property where they were employed. I was always given to understand, at least anecdotally, that the area of land surrounding Port Augusta and Upper Spencer Gulf was considered by the tribes to be neutral ground. It was where they met, had corroborees and traded ochre and other tools, and it was neutral ground where they were not allowed to fight. Given that knowledge which I thought I had and given the general assumption that freehold title does extinguish native title, will the Attorney give me some details about the alleged native title claims on the townships of Port Augusta, Port Pirie, Gladstone and others?

The Hon. K.T. GRIFFIN: I do not have all the information on those claims at my fingertips but I undertake to obtain that information and bring back a reply. What the honourable member says about freehold title has always been my view, but the issue of whether or not freehold has extinguished native title has been raised on several occasions recently on both sides of politics. I noted an article in the *Financial Review* only a few days ago, in which Senator Gareth Evans (Deputy Leader of the Opposition in the Federal Parliament) was admitting that freehold may not be as secure as others believe.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: The Hon. Mr Elliott interjects and makes some facetious remark.

Members interjecting:

The Hon. K.T. GRIFFIN: It was a facetious remark. I am not raising the issue of freehold title on the basis of bringing it up: all I am saying is that this issue has been raised on a number of occasions, and Senator Evans himself said that it was by no means unequivocal that freehold title extinguished native title. All I am doing is repeating what he said. We—the Opposition and Government in this Parliament—always believed, when we dealt with the Native Title (South Australia) Act, that a valid grant of a pastoral lease extinguished native title. The High Court decided in *Wik* that that was not the case.

When the Native Title Act 1993 was passed by the Federal Parliament, all sides of politics believed that native title was extinguished by a valid grant of a pastoral lease. As I say, that has now been determined by the High Court as being incorrect.

There are a number of other tenures where there may be some doubt: a perpetual lease, for example, is one of those. In terms of freehold leases the issue is, where there has been a grant of freehold lease, whether or not that grant of freehold has been occupied and taken up. In terms of Port Augusta, I am not aware of—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: It wasn't, actually. There are many issues to be debated on this.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: It doesn't look like the Senate is going to sort it out. On the question of Port Augusta, I am not sure of the nature of the title in each case. I do know that in South Australia 80 per cent of the pastoral leases of the State are under native title claim. Claims now cover approximately 55 per cent of the total area of the State, and another 20 per cent is already Aboriginal freehold—Maralinga lands and the Pitjantjatjara lands. Twenty-seven native title claims have been lodged in this State, 12 of which have reached the mediation stage. One of those, in relation to De Rose Hill, has been referred to the Federal Court for determination, as mediation proved unsuccessful.

There are claims by the Dieri Mitha, the Kuyani and the Barngarla, which claims may be referred shortly to the Federal Court. In respect of the Yorta Yorta claim, which relates to land and waters of the River Murray in Victoria and New South Wales, South Australia has intervened on a limited basis, and I understand that our legal argument is due to be presented in March 1998.

Everyone will recognise that what we as a Government have tried to do is make responsible recommendations in relation to the proposals to amend the Commonwealth Native Title Act following the *Wik* decision. We have also endeavoured to maintain good lines of communication between the Government and Aboriginal communities, including their representatives—and that does include the Aboriginal Legal Rights Movement.

Last year we promoted a draft agreement that would seek to sort out for everyone's benefit the section 47 rights reserved under the Pastoral Land Management Act, and since then, earlier this year, through the Crown Solicitor, we put out a draft area agreement on the basis that we want to negotiate settlements if at all possible. I have said in this Parliament and publicly that, from the State Government's point of view and also from the point of view of the people of South Australia, if we end up in court on each of the 27 claims—and there will probably be a few more yet—we anticipate a cost of something in excess of $5 million for each claim, the cost being that to the State alone, putting aside the costs to all the other parties. We believe that, when you are looking at over $100 million in legal costs and a number of those cases not being resolved for at least the next decade, we have to say that there must be a better way of resolving it.

The draft area agreement that was published was designed to be a basis for discussion between all the interest groups—Aboriginal people, Government, pastoralists and miners in particular—so that we might reach a more certain outcome in relation to native title. There is no doubt that the issues of native title impact upon the certainty that otherwise would be there in relation to developments, and so on, and we are anxious, in consultation with all interest groups, to endeavour to find a framework which avoids confrontation, which avoids legal costs and which provides certainty for everyone who might have an interest in a particular piece of land.

So far as Port Augusta is concerned, I will have inquiries made for the honourable member in relation to the nature of those claims and the nature of the tenure, and I will bring back a reply.

KOALAS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Environment and Heritage, a question about the koala relocation from Kangaroo Island.

Leave granted.

The Hon. M.J. ELLIOTT: The relocation of 750 koalas from Kangaroo Island to the South-East is now under way. In fact, there was a report of it in today's *Advertiser*. This $650 000 operation follows the recommendations of a task force which was set up by the former Minister for Environment and Natural Resources and which warned against the relocation. Not only did the task force warn against it, but I think that every major environmental group in South Australia recommended against the relocation of the koalas to the South-East. I have been told that 50 koalas were released in the South-East as a trial about six months ago, but there has been no assessment in relation to any impact they may be having on the local ecosystems into which they were released.

The task force also stated that if koalas were to be released in the South-East a maximum of 200 animals should be released. Not only was it the recommendation of the task force that they not be relocated but, if they were, that a maximum of 200 only were to be released. I understand that this program is for 750 koalas.

What we now see is that a total of 800 koalas are planned to be released—contrary to expert advice and four times the recommended number. There is great concern that they will go into ecosystems which are already significantly degraded and which already contain species that are threatened—for example, sugar gliders. There are a couple of species of sugar glider down there, one in particular of which is considered to be very low in numbers, living in the same habitat into which these koalas are being put. I understand that this genotype of koala comes from eastern Australia and is not even a South-East genotype to begin with.

The Hon. A.J. Redford: No doubt they'll adapt well to the South-East. Everybody else does.

The Hon. M.J. ELLIOTT: They will not do much adapting as a species because they have been sterilised. Any suggestion that, over several generations, they might adapt

is a nonsense. We have sterile koalas being placed in the South-East. That will do nothing for the koala species whatsoever. It is not as if they are replacing koalas that have been wiped out. They have been put there because the Minister did not have the courage to do what every environmental group and the experts told him he should do. In the end, the relocation will reduce the Kangaroo Island population only slightly. There are now 4 000 koalas on the island, the vast majority of which will not be sterilised. The population of koalas will return to their original numbers quickly.

There are a large number of endangered species in South Australia and money cannot be found to protect them, yet $650 000 is being spent on this operation which has nothing to do with the survival of a species. My questions are:

1. What environmental impact process was undertaken before any koalas were released in the South-East in the trial?

2. What work has been done to identify and monitor all impacts of the 50 koalas that have already been released in the South-East?

3. What monitoring is being done in connection with the present release?

4. What environmental monitoring will be undertaken in the future, because undoubtedly when the population of koalas on Kangaroo Island again rises they will want to remove further animals sensitively and sterilise them?

5. Can the Minister justify this expenditure which will do nothing for koalas when the money could have been spent on a significant number of endangered species?

The Hon. DIANA LAIDLAW: I am sure that the Minister will justify the expenditure because it has been approved. The Minister never accepted the advice of the honourable member that they should be shot. I think that most caring and considerate individuals have felt the same—that they should not be shot. The honourable member has never accepted that there is another course of action—the one which the Minister and the Government adopted. In terms of the specific questions that the honourable member has asked, I will pass them on. I highlight that a decision has been made in relation to this matter which the honourable member cannot accept.

The Hon. M.J. Elliott: They shoot kangaroos.

The Hon. DIANA LAIDLAW: If you want to go around with a gun shooting kangaroos, koalas and all the rest, I suspect that there would be considerable public uproar to such actions as was mooted when you earlier favoured the shooting of koalas on Kangaroo Island. The Government has adopted another course which has strong community support, and I am not surprised, because it does not favour the random shooting of koalas. I will bring back replies to the questions.

FOREST AND TIMBER ALLOCATIONS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about South-East forests and timber allocations?

Leave granted.

The Hon. A.J. REDFORD: Recently I received a series of letters from a saw miller in Mount Gambier directed to the former Minister for Primary Industries, who then had the conduct of forests in the South-East, and subsequently to the Minister for Government Enterprises. I am advised that letters were written to the Minister on 29 September 1997, 14 November 1997 and 21 November 1997; and I am advised that my constituent is yet to receive a response.

The subject the correspondence deals with is the forests in South Australia and the allocation of timber to various timber mills throughout the South-East. I note yesterday in another place it was confirmed that the Government policy was not to sell either the forests, the land or the timber, and that is consistent with undertakings given to me by the former Treasurer when legislation was before this place on that topic some two years ago. I am also acutely aware of the sensitivity and protocols in relation to the tendering out of important Government assets such as forests and the associated timber, and the need for the whole process to be transparent and seen to be fair.

What concerns me is that at this stage in relation to this constituent the contract is due to expire on 31 December and as yet—today being 4 December—my constituent is yet unaware as to whether or not he will receive an allocation for timber. Indeed, it creates enormous uncertainty for this small business person, and not the least it creates enormous uncertainty for the 45 or more employees with that constituent. I also understand that my constituent is in the process of planning some expansion and this uncertainty has the potential to impact on that.

I appreciate that the Minister has to deal with each of these applications at arm's length and I appreciate that he cannot be seen to be interfering in a tender process. However, I would be grateful if the Minister could look at the entire process of tendering to ensure that there is perhaps some more certainty and some assurances that can be given through the tender process to both small businesses and employees. With that in mind I ask the following questions:

1. Will the Minister look at improving the tender process in relation to forest and timber allocations to timber mills in the South-East?

2. Will the Minister undertake to respond to the correspondence of my constituent at least to say that it is somewhat difficult and he is somewhat hamstrung because of the tender process?

3. Will the Minister undertake to give this company (and I will provide the details of the company to the Minister separately) a grace period, should the company be unsuccessful, to enable an appropriate transition period or other options to be looked at by that company should that timber be made or not be made available?

The Hon. K.T. GRIFFIN: I will refer the questions to my colleague in another place and bring back a reply.

WORKERS COMPENSATION

The Hon. T. CROTHERS: I seek leave to make a precised statement before asking the Treasurer, representing the Minister for Industry, Trade and Tourism, a question about workers compensation.

Leave granted.

The Hon. T. CROTHERS: Legislation in the field of workers compensation was first introduced to South Australia in 1900. Similar social legislation was being introduced in other parts of Australia, and this legislation, it is said, had limited application. After a consolidation of the legislation in 1932, this consolidation remained in place until 1971. In that year, the Workers Compensation Act 1971 was introduced. This Act was repealed by the Workers Rehabilitation and Compensation Act 1986, which came into effect at 4 p.m. on 30 September of that year. Since 1986, we have seen the Workers Rehabilitation and Compensation Act amended 19 times, as opposed to seven times for the 1971 Act over a

period of 16 years. The article from which I am quoting—and incidentally that article emanates from a law firm which specialises in workers compensation matters—asserts that each amendment since 1986 has seen a decline in the rights of injured workers.

This article further asserts that, under the 1971 Act, workers could expect a redemption of up to $36 000, whilst under the new WorkCover policy guidelines, the maximum payment as from 1 October this year is rumoured to be set at $35 000—an actual drop of $1 000, and an even greater drop when one considers that there has been a 63 per cent increase in the consumer price index since September 1986. In its newsletter this same law firm also informs the general public that some injured South Australian workers who have worked for more than one employer have been trapped in a finger-pointing fiasco between unwilling insurance companies. According to the article, in some of the cases that this company has handled, there is no argument about the worker's injury—just argument about which employer and which insurer is to pay. Two of the more recent cases conducted by one of the solicitors of this company led to the following: in each case, there was no dispute that there was an injury and no real grounds for disputation. It was said that both injuries were compensable. In other words, according to the article, the injured worker is the one caught in the middle between two insurance companies trying to handball to each other.

The article further explains that this problem has arisen since WorkCover outsourced case management to various insurance companies. Particular insurance companies cover particular employers and, when this system was first introduced, a selling point to that introduction was that there was to be a single insurer. Technically it was alleged—and this was a selling point—the insurance companies are all representing the one body—WorkCover. In the two cases to which I have just referred, the insurers for each of the employers are saying, 'Yes, there is an injury and someone has to pay, but it is not us.' WorkCover is just not pulling the insurance companies into line. We in this place were reminded recently that this State has just suffered the death of two workmen, one of whom was but 17 years of age. We have been informed that at least one if not both of these tragedies involved contract workers. This article makes the point that people who go from job to job—that is, people who work on contracts or for more than one employer—are particularly vulnerable to this type of inter-insurance company dispute. Therefore, my questions to the Minister are as follows:

1. Will the Minister take whatever steps are necessary within his WorkCover responsibilities to stop this obscenity and, if not, why not?

2. Will the Minister move as quickly as he can in relation to question 1 so that injured workers—many of whom are the new working poor, in any case—injured during employment do not have to suffer further and longer in having to fight for that which is lawfully theirs?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply.

POLICE STATIONS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General a question about the amalgamation of police stations.

Leave granted.

The Hon. G. WEATHERILL: An article in the *Advertiser* of 4 December 1997 (page 27) states that more than 1 000 officers will be redeployed to other police stations. The article also states that the Unley Police Station would close, and the officers would be transferred to the Sturt Police Station; Payneham will merge with Norwood Police Station; Para Hills will merge with Salisbury Police Station; Tea Tree Gully will transfer to Para Hills; and then apparently a new police station will be built in that area. The article also includes comments from the President of the Police Association who was concerned about occupational health and safety, and these stations not being able to cope with the number of prison officers who will be placed in these stations. My question to the Minister is: how does closing police stations to this extent assist the public of South Australia in the areas where these police stations will be closed?

The Hon. K.T. GRIFFIN: The South Australian police have been promoting Focus 21 for some considerable time. It has been the subject of consultation with officers and members of the public, as well as with the Government. It was established in May 1997 as a major reform program to lead, manage and implement key elements of the South Australian police future directions strategy. The aim of the Focus 21 program is substantially to improve the quality and efficiency of police services and to place the South Australian police in a position to provide the best level of policing service in the coming twenty-first century. The program will address issues such as best practice, customer service, leadership, human resource management and practice, ethics and integrity, and information systems and technology. It will involve critically examining how the South Australian police force currently goes about its business and will seek to enhance all that it does.

Focus 21 provides the means by which the South Australian police will coordinate and integrate the changed management efforts, both within the overall strategy and with other major initiatives being pursued independently within the organisation. The first phase is the redeployment of police resources, and that is in line with meeting current and projected workload demands and population trends. The Commissioner believes that this will result in improved placement and flexibility of police resources and patrols, and increased quality and enhanced delivery of service.

The focus is upon service. There is a recognition of a need to ensure also that the human resources strategy is to be a major outcome because satisfied workers, or in this case police officers, as well as support staff, are essential to the proper provision of service to citizens and communities. Ethics, of course, is a major issue, as is leadership. From all that I have seen, I am comfortable with the process which the Commissioner is following—after all, he does have the statutory responsibility for managing the Police Force. Whilst I would if there were significant concerns draw those to his attention, he ultimately has the responsibility under the Act to take these steps, and my information is that the steps which he is presently taking will in fact provide an appropriate level of service as well as recognising the needs of police officers.

The PRESIDENT: Before calling on the business of the day, I take this opportunity to commend members on a very productive Question Time.

ROXBY DOWNS (INDENTURE RATIFICATION) (ABORIGINAL HERITAGE) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Minister for Justice) obtained leave and introduced a Bill for an Act to amend the Roxby Downs (Indenture Ratification) Act 1982. Read a first time.

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

That this Bill be now read a second time.

Section 9 of the Roxby Downs (Indenture Ratification) Act 1982 essentially enacted a regime pursuant to which the Aboriginal Heritage Act 1979, either in its form at the date of its assent on 15 March 1979 or in its form as at some later date fixed by proclamation with the consent of the joint venturers, applied to the joint venturers' operations pursuant to the Roxby Downs Indenture. This statutory regime was essentially to apply to land within the 'Stuart Shelf Area' and the 'Olympic Dam Area'. These areas are defined in the indenture. The Aboriginal Heritage Act 1979, in its form for the purpose of the indenture, could, however, apply to land outside these areas pursuant to sections 9(5), 9(6) or 9(7) of the Roxby Downs (Indenture Ratification) Act 1982.

The Aboriginal Heritage Act 1979 was never proclaimed into operation and there exists a major doubt that section 9 has ever in fact come into operation notwithstanding that Western Mining Corporation, previous State Governments of both Liberal and Labor persuasions and Aboriginal interests have all previously believed the 1979 Act applied. Consequently, this State of affairs frustrates Parliament's intention in enacting section 9 in order to apply a particular law concerning Aboriginal heritage issues, the provisions of which were known with certainty at the time the Roxby Downs Indenture was executed and on the basis of which the joint venturers could, again with certainty, plan and undertake the mining project.

The Bill essentially has two purposes. First, the Bill legislates to remedy the administrative omission of failing to bring the Aboriginal Heritage Act 1979 into operation. In doing so it gives effect to Parliament's clear intention and to the basis upon which the joint venturers originally initiated the mining project at Olympic Dam and on which they are currently engaged in a major expansion of their mining activities. The second purpose of the Bill is to amend the original operation of section 9 of the Roxby Downs (Indenture Ratification) Act 1982 in order to provide that the Aboriginal Heritage Act 1979 does not apply to any land outside of the Stuart Shelf Area or the Olympic Dam Area which may be the subject of operations by the joint venturers pursuant to the indenture; in other words, to limit the scope of the original Act and indenture.

For instance, section 9 in its original form would apply to land outside of those areas on which the joint venturers have constructed a powerline, pipeline, road or other infrastructure necessary for the purpose of their mining activities. The Bill is necessary in order both to provide to the joint venturers the requisite certainty in order to continue and complete the expansion of the Olympic Dam mine currently being undertaken in an efficient and timely manner and to concomitantly facilitate a project of major significance and benefit to this State's economy, recognising the intentions of all parties and interest groups when the indenture was entered into.

The joint venturers have engaged in, and currently continue to engage in, considerable consultation and discussions with representatives of the relevant Aboriginal communities and various archaeological or anthropological experts engaged by the communities or the joint venturers in relation to Aboriginal heritage issues which may arise in the course of planning and undertaking their activities. Further, the joint venturers plan and undertake these activities in a way which seeks to minimise the impact on Aboriginal sites or objects of cultural significance or importance.

The Government has also had extensive consultations with Western Mining Corporation and relevant Aboriginal interests with a view to concluding a satisfactory outcome. They have agreed that this Bill should be introduced today with a view to it laying on the table until next week by which time it is hoped to have a negotiated outcome concluded. There is an urgent need to resolve this issue and all parties appreciate that. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Amendment of s. 9—Application of Aboriginal Heritage Act to the Stuart Shelf Area and the Olympic Dam Area

The purpose of the amendment is to ensure that the Aboriginal Heritage Act 1979 applies to the operations of the Joint Venturers in the Stuart Shelf Area and the Olympic Dam Area and that the general law of the State relating to Aboriginal heritage applies to the operations of the Joint Venturers outside of those areas.

Section 9 applies the 1979 Act to the relevant operations and contains various modifications of the 1979 Act. It places limitations on the Minister's powers to declare protected areas under the 1979 Act and to authorise interference with, etc., Aboriginal items under that Act. In certain areas the consent of the Joint Venturers is required.

The clause makes adjustments to the 1979 Act to ensure that it does not offend against the Commonwealth Native Title Act 1993.

The 1979 Act provides for consultation with owners of private lands in relation to a declaration by the Minister of a protected area. The amendment extends the requirement for consultation to the holders of native title in the lands.

Under the 1979 Act it is an offence to enter or use land within a protected area contrary to the restrictions imposed by the Minister. In addition it is an offence to remove or interfere with items of the Aboriginal Heritage. Section 6 of the 1979 Act provides that the Act does not prohibit any Aboriginal ceremonial or cultural observance. The amendment extends this to the exercise of rights derived from native title.

Subsection (12) which provides that section 9 comes into operation on the date of commencement of the 1979 Act is removed. However, the 1979 Act was never brought into operation. The removal of subsection (12) will have the effect that section 9 comes into operation at the same time as this measure.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 57.)

The PRESIDENT: In calling the Hon. Carmel Zollo, I indicate that she is making her maiden speech and I ask members to extend the usual courtesy to the honourable member.

The Hon. CARMEL ZOLLO: I rise to speak to the adoption of the draft Address in Reply. First, I join with the previous speakers, Sir, in congratulating His Excellency on opening the First Session of the Forty-Ninth Parliament of this State and on your elevation to the office of President. I congratulate also the other newly elected members to this Chamber, the Hon. John Dawkins, the perhaps not so new Hon. Ian Gilfillan and the Hon. Nick Xenophon. I join with others in expressing my sympathy to the families and

relatives of three former members who have passed away since the last opening of Parliament: Boyd Dawkins, Jack Slater and Reg Curren. Whilst I did not personally know Mr Dawkins or Mr Curren, my husband, Lou, and I were friends of Jack Slater for over 20 years and worked closely with him as members of the Gilles sub-branch at that time and the Enfield ALP Club.

I stand here today as one of a dozen new Labor members elected to the South Australian Parliament on 11 October. I am particularly proud and honoured to be South Australia's first Italian-born woman to be elected to this Chamber. I should like to pay a special tribute to two former Labor members of this Chamber for their contributions over many years to the South Australian community and in particular to those of Italian background. I refer to the Hon. Mario Feleppa and the Hon. Paolo Nocella. I especially thank Paolo for his dedication and hard work during the last two years and, in particular, I acknowledge his contribution to the racial vilification legislation.

Growing up in Adelaide in the 1950s and 1960s was not easy for southern European migrant children like myself. When our parents arrived at this strange and far-off land they could not speak any English and the only possessions were usually the proverbial suitcase full of clothes. However, they arrived with high hopes to make a better life for themselves and their children and were willing to work hard at any job.

Starting school can be a traumatic experience for many children at the best of times, but because I could not speak the language I was often taunted by the other children because I was 'different', so members can appreciate what an unpleasant experience it was for many children like myself. It would be fair to say that I lived through my ethnicity and experienced xenophobia long before I knew the word for it.

It was not until the mid 1970s that a sense of belonging and diversity was forged for the ethnic communities by the Dunstan Government. The concept of multiculturalism and the post-war migration program have been Australia's great success stories. Why are they suddenly under threat? All members would accept that most individuals and ethnic groups are to some extent prejudiced against others. It has probably been the cause of many wars throughout history, but what was unique about the 'Australian experiment' was the general tolerance and bipartisan acceptance of both the migration program and the concept of multiculturalism—that is, until now.

I am very pleased that the previous South Australian Parliament carried a unanimous resolution in support of multiculturalism, but that is not enough. We need a strong, clear, unequivocal statement from the Prime Minister as our national Leader in full support of a non-discriminatory immigration program and the concept of multiculturalism. There must also not be any equivocation about Party preferences for any candidate who espouses racist views.

Multiculturalism not only enriches our community but also provides benefits through the establishment of economic links with the country of origin of those who have made Australia their home. This will become even more important for the continuing globalisation of our economy, including the job market.

I take this opportunity to acknowledge the role of the trade union movement in the protection of migrant workers' rights and conditions. I am of the opinion that, for many, it is the reason why Australia became their lucky country, because they were not left open to exploitation, which is often common in other countries with migration programs.

I accept that trade unions like every other group in the community need to adapt to changing circumstances, but the response from the conservative Parties at both State and Federal levels has been to set out to destroy the very organisations that have prevented the exploitation of Australian workers. There has been no such reforming zeal for private sector managers and executives. It seems quite acceptable for executives to be paid million dollar-plus salaries. Apparently the more workers they get rid of, the more they get paid in bonuses.

When it comes to workers struggling to make ends meet, seeking a pay rise of a few dollars a week, that is seen as being greedy and the beginning of the end of civilisation as we know it. Trade unions are now needed more than ever and we on this side of politics will do everything we can to prevent further erosion of workers' rights.

I pay a tribute to all ethnic communities who have contributed their talents and hard work to the wellbeing of their adopted home, South Australia. Genuine access and equity for all ethnic groups will be achieved only when they are represented at all levels of government, in the private sector, and at the political level. I encourage more people from our ethnic communities to become involved in the political process as a means of further empowering themselves. Active participation at all levels can only be of benefit to the whole South Australian community.

The last 20 years have seen great changes in our society, especially in relation to gender equality. I am one of those women who would have benefited from those changes. As a woman, mother and partner of some 25 years, I believe that I relate well to the needs of most women: the need to carve an identity for oneself but also the need to nurture. I am aware that many women identify with the common cause of the female agenda but some, through necessity, are more concerned with their daily existence—with getting up in the morning, preparing their families for school, putting in a competent and hard day's work, returning home to pick up children, preparing the evening meal, preparing for the next day, etc. They have little time to consider the bigger picture.

In short, whilst not every woman would describe herself as a feminist, there is much more that unites women than divides us. The women's agenda is one of common cause. Women perhaps more than men have different needs at different times in their lives and, to my mind, the most important safeguard for women is one of choice. I am particularly aware and appreciative of the special needs of women from non-English speaking backgrounds and our indigenous women. They are often more vulnerable when it comes to accessing Government services. It is important for them to be able to voice their concerns and receive a fair hearing. Identification of support and advocacy should be the uppermost objective.

His Excellency the Governor indicated that the Government proposed to implement a number of initiatives of benefit to women, which we have advocated and are pleased to support. They relate particularly to public sector work-based child care, addressing the specific needs of rural women and the goal of achieving 50 per cent representation of women on Government boards and committees by the year 2000.

The election on 11 October will go down in history not only because the Labor Party came back from such a devastating defeat in 1993 to within an inch of forming Government in 1997 but also because of the record number of ALP women elected to the South Australian Parliament. At present, 41 per cent of the Labor Caucus is women, which

is already above the ALP's affirmative action rule. If we look at the House of Assembly alone, the figure is almost 50 per cent. We have some way to go in this Chamber but I am sure that the imbalance will be rectified in the next few elections.

In addition, Caucus elected the first woman Deputy Leader of the Labor Party, Annette Hurley the member for Napier, and re-elected the Hon. Carolyn Pickles as Leader of the Opposition in this place. I congratulate them both on their elevation. Annette Hurley and I go back 15 years when we worked together as electorate officers for the Hon. Chris Hurford. She is a very sincere, competent and dedicated member of Parliament, and she has been an outstanding role model for me. Another woman who is about to make history in this State as the first female State Secretary of the South Australian Branch of the ALP is Kay Sutherland. I congratulate Kay and thank her for her support.

As we approach the new millennium we will see even more dramatic changes in the area of technology, the nature of work, the need for Australia to establish its own identity in the Asia Pacific region as well as the rest of the world, and how we deal with national and global environmental problems. If ever there was a time for strong, visionary leadership at the State and national levels, it is now. Instead, we have a State Government which for four years has been paralysed by divisions over leadership and damage control, and those divisions do not appear to have been resolved.

The solution the Government offered for the State's economic problems was to reduce services, sell off Government assets at any price, and privatise as much of the rest as possible. How many net new jobs have been created as a result of privatising the management of our water and sewerage services to an overseas consortium, and have our rates been reduced? The answer is a resounding 'No' on both counts. South Australians have both the vision and the intellectual capacity to manage our assets and promote the exportation of that knowledge.

We in the Labor Party do not claim to have all the answers to the many problems facing our community, but we believe in listening to and taking the community into our confidence in learning from past mistakes and moving on. That is why the Labor Party did so well at the election. We may have been a small team in Opposition, but we were united in our resolve to fight for South Australians, to listen to the community and to develop policies to take us into the next century and the new millennium.

Sadly, the promised job creation in South Australia has simply not eventuated. Both the general unemployment rate and the youth unemployment rate are unacceptably high and compare unfavourably with the national average.

The Brown-Olsen Government policies simply have not worked. Loss of Federal funding for market training programs, for regional South Australia and for trainees has further exacerbated the problem. The Government's only answer when things did not improve was to blame everything on the ALP and the State Bank. The State Bank was the past and was part of the economic excesses of the 80s which also had an impact on other State Governments as well as the private sector. That issue was well and truly decided by the people in 1993. They did not want to see a re-run of that campaign in 1997. The electors have decided to give the Olsen Government another chance, but only just.

Whilst it is pleasing that the Government accepted the Opposition's call for a job summit, it is a shame that the Opposition was left out. The issue is bigger than power and political Parties. I am also disappointed at the reported attitude of some Lower House members who lost their seats and who blamed everyone but themselves and their policies.

We also have had the usual call for a PR voting system for the Lower House. I am sure that there would be little support for such a proposition in the community when one considers the instability and uncertainty resulting from the election of minority Parties and one-issue candidates. One has only to look at the example of the country of my birth which has a PR system and which has delivered 50 Governments in as many years, or even in this place with the election of a one-issue Independent with less than 3 per cent of the primary vote. This is not to suggest that the poker machines issue is not of concern to the community—it is. I for one would like to see changes to some areas of the legislation, but I would hope that members of this Chamber, including myself, will not take eight years to reach a consensus on those changes.

As members of Parliament elected to represent the whole State, we will never enjoy success in abundance without sound regional development policies which will ensure the well-being of country South Australia. I am sure that, given the results in three of our major regional areas, Liberal members opposite would agree with me.

During my term I will endeavour to provide an effective service to country South Australia as well as to the metropolitan area. Many of our regional centres have suffered even more pain than our urban areas with the loss of so many jobs in the public and private sectors in the last few years. Regional families in South Australia are confronting an uncertain economic future and are disadvantaged by their isolation from capital city services. I believe that Governments do have responsibilities by their policies to ensure that families in rural and remote communities have access to adequate health, education and community services.

Of even greater urgency than in the cities is the need to support the industries and agricultural activities in which we do well, to diversify in some areas and to value add in others. Our biggest challenge will be to balance development with a fragile environment. Many of our country areas have shown that they are more than willing to adopt new and challenging ideas. With established core industries in South Australia such as the motor vehicle and wine industries facing a confident future, it is time to give greater encouragement to small and medium-sized businesses which will provide the best and fastest opportunities for job creation both in rural and urban South Australia.

The Labor Party is committed to listening to the needs of small businesses and to ensuring their success. There are many excellent examples of industries which are in their infancy but which have enormous potential given our climate and our relatively low levels of pollution. Agriculture, olive oil and the farming of native flora and fauna are just some examples.

Another major growth area around the world is the tourist industry. People visit South Australia because we are different, because we have a pleasant climate and relaxed lifestyle and because of our natural beauty. But if we want an increasing share of the tourist dollar we must do more. I do not believe it has anything to do with whether or not big retailers can trade seven days a week. Tourists still are able to buy the things they are usually after from the many small shops that do trade seven days a week.

From what I must admit is limited personal experience in travelling overseas, I noticed that most of the European cities had a day in which all major shops were closed. Some, much

to my dismay, were also closed for the traditional afternoon siesta.

However, we need to promote better our natural assets and products and to provide top-class facilities and service to all our tourist destinations. For example, we need to encourage the employment of more multilingual staff and the erection of signs, instructions and promotional material in the major European and Asian languages.

I now refer to several social issues about which I feel very passionate. The first is the current debate about Australia's becoming a republic. Next week the Australian people will finish voting for a voluntary postal ballot to elect half of the delegates to a Constitutional Convention, with the other half being appointed by the Government. Many of us in the republican movement believe that there are better ways to address the issue and that the whole exercise has been made as confusing as possible by the Prime Minister and the Special Minister of State, who are happy for things to remain as they are. I accept that the current system has served us well, but to use that as an excuse in not opting for an Australian Head of State is to bury our head in the sand with respect to the rapid changes that are taking place all around us.

I am sure that there would have been no Australian Federation if our forebears some 100 years ago had taken the attitude that the colonies were working well and that there was no need to bother changing. I personally mean no disrespect to Her Majesty, nor does any other republican. I am sure she is a great institution for the United Kingdom, but the British Monarchy itself has been forced to adapt to change, and continues to do so.

I principally object to a monarchy, because no person should be considered superior to another simply because of the family into which they were born. But that is an issue for the British people to resolve, because it is their Monarchy and not ours.

Australia today is a different place compared to a generation 100 years ago. We have different aspirations; we are a multicultural but united society and proud of our British heritage, but we need to consider all our collective heritages that make up Australia today—our indigenous as well as our non-British heritage.

We have just over two years to go to the new millennium, the Sydney Olympics and the Centenary of Federation. Surely that is sufficient time, given that this is the information age. What a uniting and proud symbol it would be for a truly Australian Head of State to open the Sydney Olympics and to demonstrate to the world that we have come of age.

I note that His Excellency the Governor indicated that the Government is, once again, calling for the introduction of voluntary voting. I should have thought that there were more pressing issues to be addressed and that the previous Parliament had made its views clear. The postal ballot for the Constitutional Convention, which appears to show voting by under 40 per cent of electors, surely is a very clear indication that voluntary voting is a very undemocratic method of participation in our system of government.

Another issue about which I feel particularly passionate is euthanasia. I believe that enshrining into law the deliberate act of one person assisting another to end his or her life is wrong and one that I hope this Legislature will never accede to. In my opinion, even to consider voluntary active euthanasia outside the realms of the terminally ill is an even greater folly. I would not for a minute underestimate the distress and anxiety of terminal illness, but I find it particularly deceptive to hear continuously that nearly 80 per cent of Australians support voluntary euthanasia. I am certain that the figures would be very different if the public was fully informed of the alternatives. The figures are also dependent on how the question is framed.

However, even if a majority were to support the concept, does it make it morally right? The majority of the population appears consistently to support capital punishment, but is there any majority political support for such a move? Statistics collated in South Australia and the rest of the world show clearly that between only 2 to 6 per cent of people in palliative care make a sustained request for voluntary active euthanasia. As politicians we have an obligation to provide moral leadership on such fundamental questions.

I commend the work of the members and former members of Parliament in the formulation of the Consent to Medical Treatment and Palliative Care Act 1995. The Act allows patients a right to refuse treatment which is deemed to be intrusive, burdensome or futile, and also to request treatment to relieve pain by medication without the clinician incurring civil or criminal liability, even though an incidental effect of the treatment may be to hasten the death of the patient.

I will always be prepared to stand up for increased funding in palliative care, in particular to help identify those people at risk of dying alone or in pain. The recent election has further vindicated my views that legalising euthanasia is not the issue that some in our society would make us believe. The candidate standing on its platform gained half a per cent of the formal vote. Certainly, the social impact of poker machines was of much greater community concern and we have an Independent member elected in this Chamber to prove it.

The third issue I raise is that of the family. The *Advertiser* recently ran a series of articles profiling the children of South Australia. It made very interesting reading and I would like to commend the paper for the articles. I hope that it will continue to keep this important issue to the fore. Family break-up does have some very public, social and economic consequences. However, this issue is not one that can be addressed simply by politicians passing legislation. It needs a commitment and acceptance by the community on the role of loving and stable relationships, particularly in the rearing of children. Governments can and do play an important part in protecting and strengthening the family. Bureaucratic agencies administering economic polices are very important and provide core services, even if most of us believe that these services do not go far enough. However, it is also necessary for Governments to be more involved in pro-active broad-based community campaigns to promote and strengthen the role of the family.

Finally, I wish publicly to thank the many friends and relatives who have supported my preselection and election campaign. I refer in this respect to people such as Don Farrell, Secretary of the SDA, his Assistant Secretary, Tom Kidman, their families and many of their staff; my many new parliamentary colleagues, in particular Michael Atkinson the member for Spence; and the very many other friends and relatives far too many to mention as individuals. A special 'thank you' goes also to the Executive and members of the Coles ALP sub-branch of which I am a member. I thank them all for their good wishes and expressions of pleasure at my election. I say a very special 'thank you' to my children and husband, Lou, for all their support and encouragement.

As a political staffer (my previous employment) I am only too aware of some of the cynicism in which politicians are

held by the public, usually without foundation but rather based on perception. I would like to think that whilst we share differing ideologies our intentions are honourable and that we are here to help improve the quality of people's lives.

I look forward to the challenge of the next eight years and, in particular, the coming term of the Olsen Government and the opportunity to closely scrutinise legislation to ensure that it is in the best interests of all South Australians.

The Hon. T. CROTHERS secured the adjournment of the debate.

PARKS AGENDA

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement made today by the Minister for Environment and Heritage in the other place on the parks agenda progress report.

Leave granted.

GAMING MACHINES (GAMING VENUES IN SHOPPING CENTRES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 67.)

The Hon. P. HOLLOWAY: Before the luncheon adjournment I was explaining the background to this Bill and, in particular, I was going to make some comments about its retrospective element. I pointed out before the luncheon break that the Premier had announced this Bill on 17 August and at that time he had not indicated his intention to move against any applications that were current at that time.

Unfortunately, when this Bill appeared before this Council a week ago we saw that the Government had decided to act against one application that was submitted prior to 17 August, when the Premier made his announcement. That application relates to a tavern at the Discovery complex at Westfield Marion. As far as I am aware, this is the only development which would be caught under this legislation at present.

I am not aware of any other applications that are in train. Indeed, as I mentioned earlier, only 22 shopping complexes involving hotels exist in this State outside the city area. So it would appear that this Bill has been aimed at that one development. That is, I believe—and I think a number of Opposition members will share my view on this—a particularly unfair measure. It is interesting to note in some of the correspondence which we have received in relation to this matter that the developers of this project have pointed out some of the statements of the Attorney-General (Hon. Trevor Griffin) in relation to retrospectivity.

One can only wonder why the Government has introduced this measure. Such statements in the past have been: 'Retrospective legislation is repugnant'; and 'If retrospective legislation is introduced it can damage the integrity of the law, legislators and Parliament itself and the law falls into disrepute.' Other examples of quotations from the Attorney are as follows: 'It is not fair and reasonable to remove a right that somebody has acquired lawfully by retrospective legislation'; 'The rules of the game should not be changed half way through the game'; and 'Such conduct adversely affects business confidence in South Australia.' All the foregoing comments have been made in the past when the current Attorney was opposing retrospective measures in legislation.

In relation to this Bill we would certainly share the same views. It would be fair to say that as far as the Labor Party is concerned its view on retrospectivity is that where attempts are made to exploit or open loopholes in legislation which were clearly not envisaged, as has been the case in the past with some taxation legislation, the Opposition is prepared to support retrospectivity, because clearly it is necessary to give a message to those who would seek to exploit loopholes that they should not be able to do so with impunity.

However, it is a clear open and shut case that, where people have acted in good faith in accordance with the current law and within the spirit of that law, they should not be disadvantaged by any capricious change within that law. We believe that that is the situation in relation to this Bill.

The background to the development at Westfield Marion is that the original concept goes back three years to mid to late 1994. As is the way with these types of developments, very lengthy negotiations are involved and the council, the owners of shopping centres, and so on, must be involved. Some three years have elapsed, and obviously the developers would have spent a lot of money during that time in preparing plans and complying with the law in relation to that development.

Indeed, it is interesting to note that that three year development phase came to a head on 14 August this year when the advertising of the application of this development at Westfield was placed in the *Advertiser* and the *Government Gazette*. It was several days after that that the Premier decided that he would introduce this legislation, which would catch that development, even though some three years and much time and money had been put into it. I should say several other things in relation to the development at Westfield. First, I have spoken on Bills in this Council in the past in relation to local government where I have expressed my concern about the size and scale of the development at Westfield.

I believe that the largest threat to the viability of the central business district of this State is the development—or perhaps 'over-development' would be the best word—of some of the regional centres around the metropolitan area of Adelaide, and I have expressed my concern about that in the past. Nevertheless, those developments have gone ahead and we are now at the stage where Westfield is arguably the largest shopping complex in the southern hemisphere. I am not aware of any shopping complex of this dimension anywhere within this country. I noted from the *Advertiser* earlier this week that record numbers of people have been attending that shopping centre.

One can argue about whether or not that should have taken place. Nevertheless it has happened and the development that we now have has, as part of the massive complex, an entertainment and leisure centre. It contains 30 picture theatres, which is the largest such complex in this country. The development that was to be proposed, to which this Bill is addressed (the tavern and associated gaming machine complex), would have been part of that complex. It is interesting to note that it would have been located external to the building at Westfield, that is, on the first floor of the car park. Anyone who goes regularly to Westfield would know that it is a vast complex; it is literally hundreds of metres from one end of the building to the other. There are numerous entrances to that building, and anyone who goes there regularly, as I do, would know that if you wish to do your

food shopping you would go to a particular parking area and particular gate, because that is the most convenient area.

It is such a huge shopping complex that you have to choose where to go in it. It is reasonable to say that the leisure complex, which involves the picture theatres and a number of other related shops, can be considered to be different from the ordinary shopping areas where people would go to buy their groceries and other items. I noted before lunch that in my view this Bill is not a particularly good piece of legislation. I believe that it does nothing for development in this State. It is interesting to note that it would capture not only developments at Westfield but also developments such as those at Woodcroft, the Arkaba and other shopping areas where the hotel tavern complex is quite distinct and some metres away at the other end of the car park from the shopping complex.

As I said earlier, I have my doubts whether this legislation has any value at all, but what makes it particularly obnoxious and repugnant is the fact that it should attack one particular development that has been three years in planning, at Westfield. As I noted, I believe that there are probably good reasons why the largest shopping and entertainment leisure complex in the southern hemisphere should have such a development. Given the time, I will make some remarks on other aspects of this Bill. I believe that a number of amendments are to be moved, and I will have my say on those when the appropriate time comes during Committee.

In conclusion, however, I want to say that I will be moving amendments to remove the retrospective element of this Bill. I believe that it is grossly unfair that it should be targeted at one particular development. In my view, there are no good reasons why that should be so. I have doubts that this is good legislation but, given that there has been some concern expressed in the community about poker machines in shopping centres, if the amendment is passed to remove the retrospective element I am prepared to support the Bill. While it will probably lead to some planning distortions, and while I believe that it will have very little impact on the worst aspects of poker machines, nevertheless I am prepared to give it that support, provided that this obnoxious retrospective element is removed.

The Hon. SANDRA KANCK: The introduction of pokies into South Australia was controversial from the beginning and, had I been in this Parliament at that time, I would have been one of those to vote against it. But I guess it is now a case of trying to shut the stable door after the horse has bolted. It was the previous Labor Government that introduced legislation to allow gaming machines, and it was determined by what was a theoretical conscience vote. I understand that the numbers in the Legislative Council were extremely close and that the Bill was passed in the end, from what I have been told, after some quite shameless 'heavying' by some Labor MPs on one of their own members to change his mind. Although it was a previous Labor Government that introduced the legislation, it is the Liberal Government that has stood to gain from poker machines as a very generous source of State revenue.

The Hon. R.I. Lucas: The Government or the people of South Australia?

The Hon. SANDRA KANCK: It has allowed the Government to go on a privatising and selling off binge that might not otherwise have occurred if it did not have that money to come in.

The Hon. T.G. Cameron: How do you work that out?

The Hon. SANDRA KANCK: In 1996-97 the Government received $134.5 million in tax revenue: that is how I work it out, Mr Cameron. This was less than expected, and resulted in the Government's imposing a poker machine surcharge to make up the shortfall. This financial year the Government expects to raise even more revenue from the pokies. This time we are looking at $149.9 million. As a result of some of the concern that has been expressed in the community about gaming machines and gambling, Parliament is currently examining the impact of gambling on society through the Social Development Committee, of which I am a member.

The recent election of a 'no pokies' candidate to our Parliament—albeit, might I add, with an extremely good preference deal—demonstrates that there is a degree of concern in the community about poker machines. This leaves the Government in somewhat of a quandary. While the poker machines are enticing sources of much-needed State revenue, their presence remains politically contentious. The purpose of this legislation is to prevent any more gaming machines being situated within shopping centres. However, the Democrats' view is that this Bill is a cynical attempt by the Premier to be seen to be responding to the concerns of a vocal lobby group.

The Democrats are uncomfortable with this Bill: aspects of it are inconsistent; there is the issue of retrospectivity; and we find the singling out of one particular venue downright hypocritical. I deal first with the inconsistencies of the Bill. When introducing this Bill the Treasurer stated:

> . . . it is socially unacceptable for gaming machine venues to be located. . . or promoted in such a way that they compete. . . for the household dollar rather than the entertainment dollar. It is unacceptable that household money set aside for staples could be diverted on a whim to gaming because of the temptation and the attraction of gaming venues located enticingly in shopping centres or in single shops, for that matter.

This Bill considers only those gaming machines contained in suburban shopping centres and exempts the city centre. However, there have been no studies that I am aware of, and I have not even heard anecdotal evidence, to suggest that gamblers fall victim to gambling addiction only when they are enticed into gambling when undertaking their weekly shopping. If this Government seriously wants to address impulse gambling, which results in the frittering away of household money reserved for staples, this Bill is not the way to do it. As an example, last week I attended the graduation ceremony of Parafield Gardens High School, which function was held in a community centre. In the very next room, accessible from the hall in which the graduation ceremony was being held, were gaming machines.

The school principal had to remind the students at the beginning of the evening that they should not go in there because it would be illegal for them to do so. I cite that example to show that there are many opportunities for people to gamble at a whim, irrespective of whether they are seeking entertainment or doing the household shopping or, indeed, of whether they can afford to spend so much of their budget on gambling. There are many gambling venues in and around Rundle Mall.

The Hon. R.R. Roberts interjecting:

The Hon. SANDRA KANCK: The honourable member has said something about Broken Hill. I grew up in Broken Hill and there were poker machines there all the time.

The Hon. T.G. Cameron: You told me you'd been to the two-up school up at Broken Hill.

The Hon. SANDRA KANCK: They wouldn't let women into the two-up school: it was a very sexist arrangement.

The Hon. R.I. Lucas: What, you wanted to go in?

The Hon. SANDRA KANCK: No. I have told this Chamber before that I was brought up in a strict Methodist family with no smoking, gambling, drinking or swearing. I have operated a poker machine but I find them utterly boring—but that is another story. There are many gambling venues in and around Rundle Mall, which is Adelaide's premier shopping precinct. Shoppers are confronted with pokie venues in a number of places. For instance, the London Tavern, which is located right next to the food hall of the Myer Centre, has poker machines which can be heard and seen on your way into the food hall.

Another example is the Marrakesh bar which opens right out into James Place. You open the two doors and there is nothing between James Place and the pokies. In fact, you can see through the doors because they are made of a glass or perspex. They are designed precisely to entice shoppers to divert some of their money from shopping to entertainment. By comparison, in the Discovery Complex, which is the one that will be netted by this legislation, you have to pass through three rooms before you even get to the gaming machine complex. If the Government were serious about addressing the issue of poker machines competing for the household budget it would look beyond just suburban shopping centres.

Currently there are over 10 000 poker machines in almost 500 venues around the State, and this number is continuing to grow. The Government appears to have no policy in place to restrict the overall number of poker machines in the State. This legislation, which restricts pokies in non-city shopping centres only, is contradicted by the Government's continuing to approve extra gaming machines in other venues.

Since the Premier's announcement of this legislation three months ago the Government has approved the introduction of a further 107 gaming machines in the State. It is this inconsistency in restricting gaming machines in some shopping precincts, while allowing the overall number to increase, which shows the insincerity of the Government.

A further inconsistency about the legislation is that it covers only those gaming venues located near shops that are in shopping centres but will not prevent pokie venues being adjacent to shopping centres. The greatest hypocrisy is that the legislation excludes those shops in the city centre. I would argue, as I think most other people would argue, that the people who come to Rundle Mall are there for shopping and not entertainment. It is logically inconsistent for the Treasurer to argue that the Bill addresses the problems of gambling on a whim and then to exempt the city centre. The Government has got itself into a dilemma. For political mileage it wants to appease the community about its concerns over poker machines but it does not really want to restrict their numbers because it would lose tax revenue.

Having addressed the issue of inconsistency, I next want to address retrospectivity. The Government has used retrospectivity to intentionally deny a gaming machine licence to Discovery Marion—an entertainment venue proposed within the new extension of the Marion shopping complex. Discovery Marion is planned as an eatery cum function centre situated adjacent to the new entertainment wing of the Marion shopping complex. The proposed venue has a pokies lounge to one side of the centre which the proponents have always considered integral to the development.

The developers of this entertainment venue are Adelaide based hoteliers who have injected thousands of dollars into the development process of the project, which has been going on for three years. I note the comments of the Treasurer yesterday that he has offered to the developers some sort of compensation. Considering the conditions he has imposed on them I do not think that that is likely to be suitable, because he is talking about direct costs which do not take into account the many hours of the two hoteliers involved. Because of the time limit of 17 August it also does not take into account the fact that they have had to take on to their payroll a lobbyist. If the Government were serious about offering compensation the cost of that lobbyist would have to be paid.

An honourable member interjecting:

The Hon. SANDRA KANCK: I am sure that the Government will not. The developers had gone about the appropriate processes in their planning, and five days after their application for the gaming licence had been lodged the Government changed the rules. The way the Government has done this is a bit like playing backyard cricket. I find it hard to understand, when we have a Premier who keeps arguing for certainty for developers, that he is prepared to take this sort of action.

In the briefing that was given to me by the Government on the legislation it was put to me that the Government wanted to ensure that this venue did not go ahead because of the size of the Marion shopping centre. The reality was that we were a short time out from an election and there was a lot of fuss going on about the proposed development at Firle, and that was what the Premier was trying to buy into. Discovery will not be close to the supermarkets section at the Marion shopping complex—that will be on the ground floor—but will be located near the entertainment division on the next floor up. People coming into this area will not be there to 'use household money set aside for staples' but will use their so-called discretionary dollar.

As I said before, the Discovery complex requires the user to walk through three separate rooms before they get into the gaming machine lounge. They will not stroll into it by accident: it will be an intentional move. There are already pokie venues much closer to our supermarkets in our suburbs which are not covered by this legislation. If it is obscene now, as the Treasurer put it, why was it not obscene then? To have the Government pull the plug on the development at this late stage and in the manner in which it was done via the media is reprehensible. The Government's insistence on trying to stop this development appears to be a cheap political stunt in an effort to be seen to be responding to the negative publicity about poker machines.

An honourable member interjecting:

The Hon. SANDRA KANCK: Yes, I think that is exactly what it was—the Premier was reading the printed opinion polls. The announcement only a month out from the calling of the election smacks of political opportunism. It appears to us that Discovery has become a political scapegoat. Given that poker machines are still being introduced into this State at a very rapid rate—as I said 107 since the Premier's announcement on 17 August—that many other venues around the State have easier access than Discovery near both shopping and other community ventures, that the city centre is excluded, that there are at least already 22 other taverns with pokies in shopping district locations, and that the Government keeps raking in the money from the machines, the Government's stance is extraordinarily difficult to comprehend.

There is no doubt that gaming machines are causing some problems, but it is difficult in an overheated atmosphere to assess the extent of those problems. The Democrats believe that the examination by the Social Development Committee is the only way that a level-headed look at this issue will be achieved. However, until those findings are released by the Social Development Committee there should be a moratorium on further poker machines being introduced into this State, and I indicate that during the Committee stage I will put up an amendment to that effect.

This Bill in its current form is not much more than a political stunt. Even though the Government has come to rely upon the revenue from pokies to the extent that further levies are put on them when the revenue is not as high as expected, it still faces the dilemma of dealing with the problems they may have caused. When poker machines are still being approved by the dozen on a weekly basis, it is very difficult to view the Government's actions as anything other than hypocritical. While the Democrats never wanted to see poker machines introduced into this State in the first place, the fact is they are now with us, and many pubs and clubs now rely on them for patronage. If the Government is truly concerned about the community's outcry about poker machines, it would support the Democrats' call for a moratorium on allowing any further gaming machines into the State until the Social Development Committee reports on its findings. I look forward with interest to hearing how the Government reacts on this issue. We will support the second reading even though we regard that for the most part it is a political stunt. It will be very interesting to hear how the Government, in its response, will defend its hypocrisy.

The Hon. T.G. CAMERON: When the Hon. Paul Holloway rose to speak on this legislation, he pointed out that members of the Australian Labor Party will have a conscience vote. I rise to oppose the Government's legislation. I also indicate that I will oppose both the Australian Democrats' amendment and that moved by the Hon. Nick Xenophon. Hindsight is a wonderful thing. Unfortunately, I am not in a position to be able to say that I have changed my mind since I voted in this place when poker machines were introduced. I was not a member of this place. However, if I was to speculate as to how I may have voted at the time, I would have voted against the introduction of poker machines in this State. Up until the time I was placed on the Social Development Committee I had an abiding distaste for poker machines. However, I must say that the extensive evidence put before the committee and my taking opportunities to get out and look at what is going on in the State regarding poker machines seems to have mellowed my view somewhat. I am not a gambler, and I do not play poker machines, but I am not averse to them.

An honourable member interjecting:

The Hon. T.G. CAMERON: Well, I do not invest in shares. You can make money out of shares, but you cannot make money out of poker machines, let me tell you that.

The Hon. A.J. Redford: Sometimes you win, sometimes you lose.

The Hon. T.G. CAMERON: As the Hon. Angus Redford would know, it is the average result you end up with over a period of time. Lawyers win some and they lose some. You are fortunately in the position that you always get paid, whether you win or lose. I can understand your view on who cares whether you win or lose, because you lot get paid, anyway. That concludes my personal explanation in relation to poker machines. I will now get on with the rest of my speech which was to go for about an hour and a half or so, but I will do my very best, seeing I have a pair later on today, to keep it to a minimum. I can assure members that I intend to be finished by 5.30.

Like the Australian Democrats, when I first had a look at this legislation I was somewhat confused by it. It seems to be a hotchpotch of ideas melded into a piece of legislation with the primary objective of trying to maximise votes out of the electorate prior to the last election. In that context, one can understand the way this legislation has surfaced. If I was John Olsen looking at the way the Government was sliding in the polls in early August, I would have attempted to come up with some kind of desperate announcement in order to try to prop up what was then a rapidly declining support in the electoral base. This legislation is flawed. It is a pathetic piece of legislation. What is even more pathetic is the report that went with it. Let me read just a few of the gems enunciated by the Treasurer. The first one was:

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

I do not know where the Government and the Treasurer have been. I will read the following information. We have taverns at the following shopping district locations: Westlands Hotel, Whyalla; Elizabeth Tavern, Elizabeth; Golden Grove Tavern, Golden Grove; Salisbury Tavern; Stockdale Tavern; Clovercrest Tavern; Bremen Hotel; Modbury Hotel; Arkaba Hotel; Castle Plaza Tavern; Northern Tavern; Lakes Resort Hotel; Avenues Tavern; Cove Tavern; Colonnades Tavern; Woodcroft Tavern; Morphett Vale Tavern; Aberfoyle Tavern; Warradale Hotel; Old London Tavern; Aces Bar and Bistro; and Renaissance Tavern. That does not even include the numerous taverns that are located primarily in commercial shopping precincts in the Glenelg area, the Port Adelaide area, the North Adelaide area, the Adelaide city area, Mount Gambier and, of course, most of the country towns.

How can the Treasurer stand there and state, 'This Bill seeks to amend' and go on and say 'or in any other way allowing gaming machine operations in a retail shop'? I could not agree more with Democrat member Hon. Sandra Kanck when she said that it is like trying to shut the stable door after the horse has bolted. The simple fact of the matter is that we have poker machines in taverns, in shopping centres, in and around shopping and retail areas, all over the damn State. Out of an act of political desperation, in a few months before the Premier called the election, they decided to announce that there would be a ban on any more gaming machines going into shopping centres.

One party has been hit by that action, and I will come back to that later. Not only has the horse bolted but the whole herd is out there in the paddock. We have gaming machine operations in retail shops, shopping district locations and in shopping centres. The Government is now coming out in some pathetic mealy-mouthed way and arguing that it will stop this terrible blight of poker machines in South Australia by introducing this legislation. One can only conclude that it waited until every shopping centre in South Australia—every possible applicant—had their application in. They rubbed their hands when they had all those in and then said, 'Well, I guess it is about time now to announce our ban on poker machines going into shopping centres.' It was obviously seen by the electorate as a cheap political stunt and political posturing. If it had any impact on the way people voted at the

last election, it certainly did not cut any ice with the electorate.

The report that was handed down by the Treasurer also went on to say:

> This trend towards gaming machines in shopping centres was not envisaged by Parliament when the Act was passed, and it is not in the public interest.

I cannot quite work out what the Government is up to. It seems to me that it wants its cake and to eat it too. It wants to appear to be damning poker machines and to jump on the band wagon that poker machines are terrible, cause everything from cancer to AIDS and that the whole State will die tomorrow if we allow these evil machines to continue to be operated. Where was Parliament back in 1992 when it considered this matter?

The Hon. A.J. Redford: It was all over the place.

The Hon. T.G. CAMERON: It was all over the place, but we had 69 people here. How could anyone not anticipate that poker machines—

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: The Hon. Legh Davis missed the first part of my speech. I said that with hindsight—

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: The honourable member loves my speeches; he always comes in for them. I know that and I thank him for his appreciation.

The PRESIDENT: Order!

The Hon. T.G. CAMERON: Mr President, do you wish me to ignore the interjectors?

The PRESIDENT: Yes, and I would like the honourable member to stick to his script.

The Hon. T.G. CAMERON: Mr President, you could probably pull them up and I would not have to ignore them. Parliament obviously did not envisage this trend towards gaming machines in shopping centres. We had a very perceptive Government for nearly four years! It was so perceptive that it missed this trend, which it never anticipated in 1992, until 17 August.

The Hon. L.H. Davis: We were not in Government in 1992.

The Hon. T.G. CAMERON: You all voted on it. We had a conscience vote. We all voted on it.

The Hon. L.H. Davis interjecting:

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

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: It passed through two Houses of Parliament. I will have to look up how the Hon. Mr Davis voted. We now have the Treasurer saying that this trend towards gaming machines was not envisaged. The Liberal Party was in Government for four years, from 1993 until 1997. Poker machines were introduced into 22 taverns in shopping districts; they are in every retail and commercial shopping precinct in the State, and now you come out and piously say that they must be legitimate forms of entertainment. The Treasurer even makes the statement:

> It is obscene that household money set aside for staples could be diverted on a whim to gaming because of the temptation and the attraction of gaming venues located enticingly in shopping centres. . .

Where has the Treasurer been for the past four years? Don't members opposite go out anywhere? Have members opposite not witnessed the proliferation of poker machines that has occurred in this State? We have some 10 000 of them in 500 venues. I will read the Treasurer's statement again:

> It is obscene that household money set aside for staples. . . because of the temptation and the attraction of gaming venues located enticingly in shopping centres, or in single shops for that matter.

Where has the Hon. Robert Lucas been for four years? He probably does not play poker machines. He probably does not even gamble. I do not even know whether he goes into hotels. His life is a bit of a mystery to all of us. I cannot believe that the Hon. Robert Lucas has not noticed that poker machines have been installed in shopping centres in and around commercial and retail areas for the past four years unabated. I think it is about time there was a bit of honesty in this whole debate, and that some of the cant and hypocrisy that is thrown around in relation to poker machines ceased.

We are all politicians and we will all try to engage in a bit of political opportunism from time to time, but this is so gross, obvious and so base that not even your own people believe it. How many people does the Government think will support this nonsense piece of legislation which excludes the square mile of Adelaide or 'in any other way allow gaming machine operations in a retail shop'? The one good result about the last election was that the electorate is finally beginning to wake up to political Parties and politicians, of all persuasions. The electorate did not accept the nonsense the Government had been feeding it for years.

The Hon. Nick Xenophon can hardly claim a mandate: I think he got about 2½ per cent—30 000 votes, or thereabouts. If it was not for a fairly constructive preference ticket, and I know a bit about those, he would not have scraped over the line. I would not suggest in any way whatsoever that the Hon. Nick Xenophon has a mandate from the public of South Australia to close down poker machines in South Australia. It is about time there was a bit of honesty injected into this debate about poker machines. It seems to me that we all sit here and say—

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: Would the honourable member like me to wind up?

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: No, it is not half past 5 yet. The Hon. Legh Davis keeps interjecting and he throws me off my track. As I was about to say, it is about time—

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: No, I will not degenerate into name calling. The Hon. Legh Davis is entitled to go on an overseas trip if he wants to. He is entitled to do that. I have just been on one, and they will probably write about mine, too. Sometimes the press here has nothing better to do. Getting back to injecting a bit of honesty and fair play into this whole debate about poker machines is something that is a responsibility incumbent upon us all. We can all play cheap Party politics with this issue but I think that some things ought to be taken for granted. To argue that we have an overwhelming mandate in this State from the last election to take poker machines out of hotels is just as ridiculous as arguing that, because of the result of the last election, there is no concern here in South Australia about poker machines.

Obviously if 30 000 people, or thereabouts, vote for the Hon. Nick Xenophon, who was relatively unknown at the time, it indicates that a significant number of people—

The Hon. A.J. Redford: I bet he is better known than you. We will do a survey.

The Hon. T.G. CAMERON: That could well be the case. We are both better known than the honourable member, except in the seat of MacKillop where you were well known for a few weeks, but then you gave up on the preselection race. That is just as well now, otherwise you might have hit the fence. As I was about to say, and the time is ticking away, there ought to be a little bit of honesty and fair play in this whole debate about poker machines. I agree with this statement in the report handed to us:

> While there are many in the community who decry gaming machines—

and there are—

> there are also others who see them as a legitimate form of entertainment.

I have only been around for about 50 years but one thing becomes very obvious in life, and that is that we all do not like the same things, we all do not like doing the same things and, whilst we are all similar, we are all different. I have taken the time and trouble to go around and look at people playing these poker machines. I have been into more hotels in the past six months since we started looking at this inquiry than—

The Hon. A.J. Redford: And I would say you have never looked better!

The Hon. T.G. CAMERON: It was purely for research purposes. Whilst it might surprise some of the members in this place, I was able to observe people who, unless they were extremely good actors, gave every impression of having a good time: eating, drinking and playing the poker machines. Eating and drinking I quite enjoy, too, especially the drinking, but, from a personal point of view, I do not happen to find poker machines in any way terribly stimulating. Usually, after about ten minutes, I have lost my $10 and so I go back to the drinking. If one visits these places it is obvious that poker machines have introduced a different dimension to hotels and that type of entertainment in South Australia.

In 1992 hotels were dead in the water, we all know that. One can compare the prices that hotels were selling for in 1992 with the prices that they are selling for today. The Hon. Legh Davis would know that people pay high prices because they know they will get a return from their investment. Many hotels in Adelaide have doubled and some have even trebled in price.

The introduction of poker machines into South Australia has had some undesirable side effects, and I do not think that anybody, particularly a member of the Social Development Committee who has heard the evidence, could not feel for or empathise with people who get themselves into a difficult situation. I like a drink and I hope that I am not an alcoholic but, unfortunately, some people are subjected to alcoholism. However, that does not mean to say that we should go back to the 1930s and introduce prohibition because 1 or 2 per cent of the population cannot handle a particular commodity or service which the rest of the population seems to enjoy and has woven into part of the fabric of their social life.

One point that I want to make, which I would have not have made 12 months ago, is that I see poker machines as a legitimate form of entertainment, provided that they are integrated into an entertainment-style facility. It is not a form of entertainment that I particularly enjoy, but it is obvious to me that many people view it as legitimate entertainment, apart from some people who have a problem with addiction to gambling, and that is not restricted to poker machines. I know plenty of people who become addicted at the Casino and others who have spent 60 of their 75 years punting on racehorses.

It is a fact of life that, for a very small percentage of the population, perhaps in the hope of a big win, they become obsessive about gambling and they and their family suffer in the process. Gambling is a legitimate form of entertainment for many people in our society. To try to isolate one form of gaming and argue that it is inherently evil while arguing that other forms of gambling are inherently good is a fallacious argument which yet again leads politicians like us into populist politics.

In the explanation of this legislation, members were told that it is obscene that household money that is set aside for staples could be placed at risk on a whim because of the temptation and attraction of gaming machines located enticingly in shopping centres. If one examines the rhetoric, one finds that this must be only the first Bill that the Government intends to introduce regarding poker machines.

The Hon. Sandra Kanck: There will be a Keno one next.

The Hon. T.G. CAMERON: Yes, because if the Government is to remove the obscene temptation of the attraction of gaming venues located enticingly in shopping centres or in single shops, a raft of other legislation must be on its way to do something about the dozens of poker machine parlours and what I would call poker machine entertainment venues that already exist in and around shopping district locations and commercial and shopping precincts here in South Australia.

I turn now to consider how the Government has excluded all the venues that are already in existence in the city mile. The Hon. Sandra Kanck has been to look at a few of the establishments in the city mile in the past few days, as I have. I also looked at the Marrakesh Bar, and I invite all members to look at that bar, perhaps before they vote on this Bill. It is a two-storey place with 17 poker machines downstairs, and if one wants a drink or a snack one has to walk up a flight of stairs to another bar area. If there was ever a poker machine parlour, because there is no entertainment about this place at all, this is it.

I agree with the Treasurer when he says that it is obscene that household money that is set aside for staples could be diverted on a whim to gaming because of the temptation of gaming machines. This place is just down the road from the TAB-X Lotto centre, so if that centre does not get them, and they go down the pathway, there is another place that they might enter. The Marrakesh Bar is next to a set of public toilets, and a lot of traffic goes up and down James Place. It is also directly opposite one of the entrances to the City Cross shopping centre, which is used by thousands of people at lunchtime for dining.

If the Government is serious about stamping out gaming machine operations in a retail shop, what is coming next? What does the Government have in mind down the track? If the Government thinks that this useless piece of legislation will do anything to try to stop the proliferation of gaming machines in South Australia, it is kidding itself. It is an ill-conceived piece of legislation that does not make a great deal of sense.

I should now like to cover the question of retrospectivity. This measure was announced in the *Sunday Mail*, as follows:

> . . . and those applications already under consideration will not be affected.

I went through the press week after week and I could not find any correction to that statement from the Premier or the

Government. One would need to have been hiding under a bed for the last 10 years not to have worked out that it was a deliberate leak to the *Sunday Mail*, like a series of others in the lead up to the election, to try to gain maximum exposure in the most-read newspaper in the State. Not only did they get it wrong, but also there was no attempt by the Government to change that statement. You and I, Mr President, might know that it is bullshit to believe everything that is printed in the paper, so we do not believe it. However, I cannot find until much later any reference to a correction of that statement.

I turn now to the way in which this piece of legislation will impact on the Discovery Entertainment Complex-lifestyle precinct at the Westfield Shoppingtown Marion. I hasten to add that, until I had a brief meeting with the principals of this commercial proposition, I had never heard of them; I had never met them; and I had never heard of the Discovery Entertainment Complex. For this Government to introduce this piece of legislation with all the flaws eloquently outlined by the Hon. Paul Holloway and followed up by the Hon. Sandra Kanck, and to introduce retrospectivity to it, must be the greatest piece of political nonsense I have ever seen, and why is that?

Since the announcement was made, 120 licences have been issued for gaming machines in South Australia. I might do a bit of research and find out where these 122 machines have gone, because it would make a very interesting exercise to examine where these 122 machines have been placed and whether they meet the grandiose, nonsensical statements by the Treasurer about obscenity and placing them where people can be tempted. It would be interesting to compare the plans for the complex at Marion with the locations in which these other machines have been placed.

I intend to give the Minister for Justice a complete file on this question of retrospectivity, but before members vote on the issue they should look at what impact this measure will have on that business. I will not go into too many of the details because they were covered by the Hon. Sandra Kanck. Only one application in this State is affected by this retrospective move.

These people have spent $150 000 over the last three years trying to develop this proposal. As I understand it, they have approval for their liquor licence and they have lodged an application for their gaming licence, but it was adjourned *sine die* because of the Government's announcements. If this Council and the other place vote for retrospectivity, these people will have lost their $150 000 and, as the Hon. Sandra Kanck pointed out, their personal efforts. Why? For what purpose? Because this Government, desperate with an election coming up, was clutching at straws and did a little deal with the *Sunday Mail* to get the headline 'New curbs on pokies'. Not only did it do the Government no good and not only did the Government confuse the business community, but also the Government has now hung its hat on the hook that it supports retrospectivity. This is retrospectivity for a commercial operation.

How will business people in this and other States plan with any degree of certainty when, above all things, the Liberal Government is introducing retrospective legislation not only to nullify an extensive investment but also to stop a development which, by any comparison, would probably be within the top 10 per cent of developments that incorporate poker machines in this State?

We have not yet seen any backdown by the Government. As I understand it, about 10 per cent of the complex at Marion will be used for gaming machines. The complex will be able to accommodate some 500 people. The gaming area is only one section of a five-part entertainment complex that has cafes, restaurants, a small convention area and an area for live music. So, there will be 60 people in the gaming area and 500 people overall.

We may not all know, but in the past the hotel industry has been well known for lodging objections to new establishments. It almost seems that, no matter where or who you are, when you lodge an application for a new licence or to set up a new establishment you will attract objections. But what objections were lodged to this Discovery entertainment complex at the Marion shopping centre? I hope people can separate out their attitude to the Westfield shopping complex from what their attitude might be on the impact of the retrospective elements of this legislation to this business.

Normally one would expect to get objections from all over the place, but when Discovery lodged its application there was one objection. Members should take this on board. That was lodged by the Castle Plaza. I could not be certain, but that has to be some seven or eight kilometres by road from the Westfield shopping centre. As I understand it, it is in a shopping centre and it is a tavern itself. Be that as it may, I am not sure on what grounds it lodged its objection, but as I understand it the objection either has been withdrawn or it is not proceedings with it.

The fact is that we have a situation involving a piece of legislation that was born out of a desperate Government and a desperate Premier who, more than any other person in this place, wanted a good election result to put his own stamp on the Premiership. He failed miserably in that, and I hope he fails with this piece of legislation, too, because it was concocted to try to grab a few votes.

The Hon. T. Crothers: It was probably designed to knock out the No Pokies candidate in the Upper House.

The Hon. T.G. CAMERON: Yes. Not only did the Government fail but its *Sunday Mail* headline, 'New curbs on pokies' and its earth-shattering legislation (I think the only people who ever will be affected by this are Discovery) did not work. Not only did the Government fail to keep out the No Pokies candidate but also it probably delivered votes into his camp. If one looks at the distribution of preferences in the Upper House, it is certain that everybody seemed to be sure about one thing: they put the Liberals last—not that it made any difference, because the Liberals struggled to get their four quotas.

This is a terrible piece of legislation; it is flawed. As the Hon. Paul Holloway and the Hon. Sandra Kanck have pointed out, not only is it flawed but also it embraces the concept of retrospectivity. I would be very interested to hear what the Hon. Legh Davis has to say about the question of retrospectivity on this matter.

The Hon. L.H. Davis: If you sit down you will hear.

The Hon. T.G. CAMERON: I will be finished shortly; you will get your turn. I will also be interested to see how the Hon. Trevor Griffin votes on this issue of retrospectivity. He has stood up in this place on numerous occasions—and I will not read all the quotes into *Hansard*—and consistently opposed retrospectivity.

In conclusion, this legislation is flawed and it was born out of a desperate attempt at populist politics to try to cobble together a few votes in the lead-up to the election. With respect to poker machines, there now is a great deal of cant, hypocrisy and dishonesty. I guess that people who play poker machines are a little bit like people who smoke a cigarette:

we are a dying species, and everyone seems intent on making us extinct before our time.

However, it would be sad if this Council voted for this legislation and the notion of retrospectivity. Not only would it be singularly discriminatory against the Discovery complex but also, I believe, it would send a very unwelcome and unhealthy message to the business community, that is, that irrespective of what your business plans are and how much money you have spent trying to develop your business under the existing law, this is a Government which will introduce legislation at a whim to grab a few votes before an election and which will introduce retrospective legislation that will cost your business financially.

It is a disgrace that the Liberal Party would support this piece of legislation. I hope that on this occasion the business community, which in large part supports the Liberal Party, sees it for what it is really worth. The Liberal Party is playing populist politics and it is prepared to do anything. It is even prepared to support a failed piece of legislation that includes retrospectivity. I shall watch with interest to see how many members opposite have the courage to cross the floor and to vote against the question of retrospectivity.

The Hon. L.H. DAVIS: Mr President, as you are aware, the Standing Orders do admonish us against undue prolixity, so I will be brief. I support the legislation, except for one part which I will mention. There has been some revisionist politics at work today, and there also has been some understandable friskiness abroad, because members have not sat for four months. That showed very much in the heavily adjectived contribution of the Hon. Terry Cameron and the typical sanctimonious contribution that we have come to grow and love from the Australian Democrats.

I thought it was very rich when the Hon. Sandra Kanck suggested that this legislation was a political stunt because, as I remember, the prize for stunt of the year 1997 must surely have been on 9 October when Cheryl Kernot, who by then for eight days had pledged herself unequivocally to the Australian Labor Party, came to Adelaide to advise everyone through radio and television program advertising—and, more to the point, in her discussions with the *Advertiser* and radio media—that both the Labor Party and the Liberal Party had let South Australians down, that there was no other choice and that they should vote Australian Democrat. Lo and behold six days later she walked into the Australian Labor Party fold. It is reasonable to call that a pretty good stunt and certainly it would beat the so-called stunt that we are supposed to be debating at the moment.

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: We will stay tuned and we will see who is more satisfied at the end of the day. We will have a quiet wager in the lobby.

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: Not at all. I am bemused by it: I am saddened by it. For someone who said she had the trust of the Australian people I thought her actions were rather unbecoming. Then to move to the Hon. Terry Cameron's colourful contribution drawing on all the adjectives that he learnt from his long service as secretary of the Australian Labor Party—and mercifully we were spared from some of them—to rewrite history as he did so well about the background of the poker machines is something that I cannot allow to let pass. The fact is, Mr Cameron, members on this side do not have faulty memories as you appear to do. The fact is the gaming machine legislation was introduced in 1992. It was conscience voting, but conscience voting for the Labor Party, as members know, comes with a very severe Chinese burn.

Indeed, it was in this very Chamber that the gaming machine legislation was passed only after the Hon. Mario Feleppa had endured several hours of very bright spotlighting in the Premier's room early one morning.

The Hon. R.I. Lucas interjecting:

The Hon. L.H. DAVIS: It was the Hon. Chris Sumner's room. It is also true, if one looks at the record on the vote—and obviously the Hon. Terry Cameron has not—that the majority of Liberal members opposed the gaming machine legislation.

The Hon. T. CROTHERS: Mr President, I rise on a point of order. I heard the Hon. Mr Lucas refer to the Hon. Mario Feleppa. The *Hansard* record of the debate will clearly show that the Hon. Mr Feleppa said why he changed his mind and, in spite of my modesty, I have to tell members. He said that he was persuaded by the verbal logic of his colleague the Hon. Trevor Crothers. I never left this Chamber, never mind being in a smoke filled room. So, in the interest of absolute accuracy I would ask the Hon. Mr Davis to withdraw what he said about the Hon. Mr Feleppa being hammered. To support what I am saying I refer to Mr Feleppa's own statement in the *Hansard* of the night of the Bill.

The PRESIDENT: Order! There is no point of order, but it was a good explanation.

The Hon. L.H. DAVIS: I say that I saw with my own eyes what happened and it was confirmed by colleagues of the Hon. Trevor Crothers that that indeed was happening. For Mr Crothers to try to revise history like the Hon. Mr Cameron is not a bad quinella.

The Hon. T.G. Cameron: We're all revising history except you.

The Hon. L.H. DAVIS: No, I am telling the truth. The Hon. Terry Cameron would know full well that the Gaming Machines Act was legislation introduced by the Bannon Government and that it certainly passed the Lower House and the Upper House because of the support of the majority of Labor members. Some Liberals did support it because it was conscience voting.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Hon. Terry Cameron says it is preposterous that no-one ever thought at the time the legislation was debated in 1992 (when apparently he was unaware that the Labor Government was still in power) and in the subsequent four years of Liberal Government (from 1993 onwards) that people could have believed that poker machines would not be introduced into shopping centres. I suppose one could talk about Wik, Mabo and any number of examples where legislation has been introduced and subsequently been found to be defective or because circumstances have changed. The Government is responding to what has been very real community concern and real pressure. For both the Hon. Terry Cameron and the Hon. Sandra Kanck to go through the second reading debate without mentioning the fact that there was an application from a shopping centre in Firle, which was being talked about as an example of a shopping centre which was looking to introduce poker machines, is again to deny the reality of the argument.

There are trends abroad in shopping which mean that Governments have to respond to the community more and also to changes in the community mood. For example, the traditional pharmacy used to be a little strip shop on Prospect

Road or Norwood Parade. Then it developed into a bigger pharmacy in a bigger shopping centre. Now the traditional pharmacy is being eroded by other groups that are coming in and selling quasi-pharmaceutical products. Faulding (very proudly Adelaide based and the biggest retail pharmaceutical distributor in Australia) is responding to those changing circumstances by rebadging its six banner groups down into four banner groups and introducing some American retailing concepts to overcome the encroachment on traditional pharmaceutical retailing which would be to its disadvantage. One could imagine that in developing new shopping centres in metropolitan Adelaide or regional South Australia we could see that bigger purpose built venues which include entertainment, eating areas and poker machines. It is a logical development. The world does change, Mr Cameron, and even you perhaps should recognise that.

Certainly, there had been proposals other than the Westfield proposal which has already been discussed. The one at Firle was an example. It is ridiculous to say that the Government just pulled this as a political stunt because I can point to any number of headlines and community debates about the concern of poker machines and clearly small businesses in smaller shopping centres are concerned about the incursion into their profitability and livelihood by the introduction of poker machines into a shopping centre. I defend the Government's right to introduce the legislation and I defend the logic of the introduction of the legislation.

I opposed the poker machine legislation, the Gaming Machines Act of 1992, because I believed it was the wrong model for South Australia. Having defended the Government in general on the proposition of the introduction of amendment to the Gaming Machines Act to provide for no gaming venues in shopping centres, I say that I have severe reservations about the retrospective element of the legislation, and the Government is aware of that. In the Liberal Party we are entitled to hold views which may be contrary to those of other Liberal members.

Members interjecting:

The Hon. L.H. DAVIS: Except they are carbon copy views in the Labor Party. Members opposite are allowed to hold the view but it is a carbon copy view. I can understand the logic of their position. In this case the Liberal Party has made this a conscience issue, as indeed it was when the Gaming Machines Bill was first debated in this Chamber in 1992. In relation to the Westfield case involving the Discovery group the facts seem to be clear.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Westfield Shopping Centre at Marion is the second largest shopping centre in the nation. It is a shopping centre which is seen as a model for regional shopping. It is a highly profitable operation. For the most part, the small businesses in Westfield Shopping Centre Marion are very satisfied and I would imagine are profitable.

It is well known that just a few weeks ago Westfield opened the 30 screen megatheatre complex at the Marion Shopping Centre: again, a first in Australia. The Premier performed that opening ceremony. It will be a very interesting complex and will obviously attract many people to the centre, not only to watch films but also to spend money at the shopping centre. The Discovery consortium had worked closely with Westfield to develop a leisure centre adjacent to the megatheatre, which, as the Hon. Terry Cameron has said, would provide seating for around 500 people in three different-style venues for formal and more informal food service as well as bar facilities. In a room that was closed off and making up only a small part of the floor space was provision for 40 gaming machines.

I have examined the plans, I have had discussions with the people from Discovery, I have taken advice from other people involved with the gaming industry, and I am satisfied that this development had always been proposed hand in hand with the Westfield group. It does make sense, as you expand a complex to provide for 30 screens for films around the clock, that you also need facilities for eating, drinking and entertainment. So, it was a logical development. It is, again, a reflection of the changing mores of society, the changing ways in which we have our leisure and entertainment. I am also satisfied the Discovery group lodged its application for gaming machines five days before the Government made its announcement. It had spent $100 000 to $150 000 on preparing plans for this venue, and it seems that it has at all times acted in good faith.

I have said before in the Chamber and will say again that I believe it is not appropriate to have retrospective legislation. One may argue to what extent it is retrospective. But I have indicated to the Government, and the Government understands my position, that I cannot support this part of the legislation. Having said that, however, I do support the thrust of the Government's efforts to recognise the concerns in certain parts of the community about gaming machines in shopping centres.

The Hon. CARMEL ZOLLO: My comments will be brief: a great deal has been said already. I support the general thrust of this Bill as I am opposed to poker machines being installed in shopping centres. I also have concerns in other areas, which I believe need to be considered in greater detail when we have more time to consider a number of reforms to the gaming machine legislation. At the moment we have a problem. The Government has indicated that it wants to stop proliferation in shopping centres and I support that move. I am not keen to make other changes without proper detailed consideration simply because we have a Bill before us to address a specific issue. I believe that we should quickly deal with this legislation now and consider any more detailed amendments to the gaming machine legislation in the New Year, when we have more time.

I support the Bill and the concept but am opposed to making it retrospective, both in principle and because it will disadvantage a developer who had proceeded with an application in good faith. I support the amendment of the Hon. Paul Holloway.

The Hon. T.G. ROBERTS: I will not support the Bill. I supported the introduction of poker machines into the Casino when that measure was being introduced by the then Government. I did that on the basis that South Australia had to have a casino licence at that time to attract the tourism that it so desperately required and to give the business centre the shot in the arm that it sorely needed. I certainly did not want to see poker machines extended outside the Casino at that time, because I did not think it an appropriate measure. But I knew that, within time, gaming machines would have to be introduced into the hospitality industry to enable that industry to survive.

A number of changes were occurring in drinking habits: front bars were becoming less popular and the bistro and restaurant side of bars would have to be improved. These sorts of measures were being taken interstate and we would

have to follow. The single brewer mono beer strength bars have all now been replaced. The boutique bars, the new styling of all the hotels and many of the investment changes that have taken place in the main have been allowed to occur because poker machines have enabled money to be made by publicans and by investors in the industry to be put back into the hotels to enable those services to be provided. So, it was timely when the State Government in 1992 decided to introduce those measures.

The information that I had at that time was that almost one-third of South Australia's hotels were in difficulty. Licences were difficult to transfer or sell, and some hotels had deteriorated to a point where, if they did not receive large injections of funds, they would have been closed, the licences forgone and the premises turned to other uses. When the Victorian Government introduced poker machines more widely into that State, most of us knew that the inevitable had occurred: that the southern States of Australia would be turned over to incorporating gaming machines into the hospitality industry and we would then have to manage that introduction in an orderly way.

There have been many benefits for consumers. I have no problem with hotels serving cheap meals to attract customers; that is a benefit that the customers can take advantage of. Many people said a lot of things about the negatives, and I agree that there are some negatives associated with the introduction of gaming machines, but I am prepared to look at a more detailed investigation of the introduction of gaming machines and the social outcomes that have occurred since then and to make a judgment on what style of legislation will need to be introduced to come to terms with those problems. We need more accurate information than we have at the moment.

There is a developing problem amongst a percentage of problem gamblers, and at the moment I am more interested in how the revenue raised in taxation is spent in coming to terms with some of the problems presenting themselves in the community through the introduction of gaming machines. If a larger share of the moneys collected by the Government needs to be turned over to charities, to sporting groups and to problem gamblers, that needs to be looked at in a more detailed way by the Social Development Committee. As I understand it, our new member is not on that committee at the moment, subject perhaps to an accepted amendment to the Committees Bill. If he is not on that committee, I am sure that he will have a large input into the construction of any recommended changes that may occur from a detailed look at the social implications of the introduction of poker machines.

The points that other speakers have made are relevant to the appropriateness of this development. If one were to set out criteria for the introduction of 40 poker machines into an area in a large entertainment complex I am sure that the design of this entertainment area would be appropriate and would be given the thumbs-up in relation to the features that one would incorporate into such a development.

The fact that it is in a shopping centre is irrelevant. It is more than a shopping centre: it is a social and entertainment centre as much as a shopping centre. I do not think that people will be seduced by the bells and whistles and colours and lights of poker machines. If they go into a gaming machine area to play poker machines I am sure it is because they have set out with the intention of being entertained and have set aside the money that is needed to play these machines. I am sure that that would be a deliberative stroke rather than an accident.

The Hon. Legh Davis said that he would have a small wager in the lobby with the Hon. Mr Cameron, I think it was, over the outcome of an argument they had by way of interjection. I use this as an illustration: to see an illegal act occurring in the lobby—a wager between two individuals which would not be sanctioned by law—I hope would not encourage other people to do the same. I do not buy the argument that people will be falling over themselves to use gaming machines just because they are in a particular area and that this will diminish the money that they have set aside for themselves to buy food or clothing.

If the legislation passes, the developers will be out of pocket and disadvantaged in a way which we, in this Chamber, need to prevent from happening if we can. As other members have said, it sends bad messages to developers to change the rules midstream. This was a purely political move and was not an act of social conscience to protect South Australians from the rampant growth of the gaming industry. It was a move purely to grab headlines and to try to shore up a flagging popularity at a point when the Liberal Party's campaign was failing.

The only thing worse than bad legislation is legislation based on poor policy or policy that has no logic. That is the reason I will vote against the Bill, but I do not rule out a change in the future when we look at the impact of gaming machines in this State. I would have thought that the Premier would have made some noises prior to the election in the same vein—that he would look at the social outcomes of the introduction of poker machines as they stand at the moment—and then in the cool light of day away from an election, based on the best scientific and social information, look at the legislative changes that are needed in coming to terms with the further introduction of poker machines into the State.

The Hon. R.R. ROBERTS: I support the thrust of this Bill but will not be supporting the retrospectivity aspect. Since the introduction of poker machines some unhealthy impacts have been identified in the community. Obviously they were not anticipated at the time the legislation was passed and there is a valid argument that they ought to be addressed.

This issue will be addressed in two ways. First, from time to time amendments can be moved in this place and, secondly, the Social Development Committee (which will reconvene shortly) is looking at the effects of gambling in South Australia. This legislation is *ad hoc*, although it does comply with the first remedy that is available, by the introduction of amendments. It is flawed in a number of places but I will not go over those, as other speakers have done so.

I will not support retrospectivity. Anybody undertaking business or investment in South Australia, or any citizen, deserves the benefit of the law as it stands on the day unless it affects the rights of individuals, and I believe that they should have the benefit of the legislation. That is what Parliaments are here for—to help constituents, not to hinder them. I will not support the retrospective aspect of the legislation in so far as the proposition at Westfield is concerned, for the reasons I have outlined. I do not have a problem if the Parliament resolves to have poker machine venues in shopping areas or districts inside licensed premises.

There is a myth going around that the Government is trying to stop poker machines in retail outlets or shopping

centres. No shopping centre owns a licence as such. Poker machines have to be on licensed premises and those premises are subjected to rigorous scrutiny, regulations and conditions before the venue can be established. Every licensed venue in South Australia has passed those rigorous tests and is entitled to continue to operate in the manner that is stipulated in the laws of South Australia and the regulations that have been passed by this Parliament.

The argument about whether there ought to be more venues is a separate argument. I accept that it may be time to stop. I understand that this move would value some businesses and that some people would get a windfall gain, but we have a responsibility to all constituents of South Australia not just the proprietors of taverns, hotels and clubs. The social effects are being addressed in another way. However, I am prepared to support those existing businesses because they have complied with the laws and responsibilities that this Parliament has set down and they have a right to continue.

If some tinkering around the edges needs to take place because problems are identified, I am prepared to look at that, but not in an *ad hoc* way. I want the Social Development Committee to identify those problems and come back to this Parliament, so that we have one comprehensive Bill and that we get this as right as it is possible for us to do.

An amendment has been filed by the Hon. Nick Xenophon which talks about deleting paragraph B on page 2, which refers to those premises in the Adelaide square mile. My reason for supporting the amendment, which opposes the Premier's proposition to exempt the Adelaide square mile, is that I do not believe the playing field ought to be tipped in favour of the metropolitan area. If it is bad for poker machines to be in shopping centres, we have to remember that on Sunday, which is a leisure day for almost everybody in South Australia, the only place where shopping can take place legally in the Adelaide area is in the city centre. I do not believe we should tilt it in favour of traders in that area and therefore I will support the amendment proposed by the Hon. Nick Xenophon not to exempt the Adelaide square mile.

The Hon. A.J. REDFORD: It was interesting to note what two members of the Australian Labor Party in another place said yesterday in support of retrospectivity, that they had no problem with it. I invite members opposite—the Hons Terry Cameron, Ron Roberts and Terry Roberts—in the next Caucus meeting to explain some of the important issues, because it seems to have escaped their attention, and I would invite their attention to yesterday's *Hansard*.

Clause 3, line 23, in effect provides that the Commissioner cannot grant an application for a gaming machine licence or grant any other application which would result in the licensed premises or the whole or part of a gaming area of the licensed premises being located under the same roof as a shop or anywhere within the boundaries of a shopping complex. That clause may lead to some confusion. I invite the Treasurer to explain in Committee precisely what is meant by that. In particular, I invite the Treasurer to indicate whether it is the intent of that clause to prevent a person or a licensee who currently has fewer than the maximum number of poker machines from increasing the number of poker machines. If that is the intent, I do not believe that the Treasurer has actually achieved that, when one looks at the clause closely.

If one looks at a very broad interpretation, it may prevent all sorts of ordinary and normal applications being made to the Licensing Court, which are really not the subject of the concern expressed by the Premier in his press release. Applications can be made to shift poker machines around premises, to shift them to other rooms or to change managers—and a whole host of other applications might be made incidental to applications under the licensing Act. Will the Treasurer consider that and provide me with a response, in that I would like to advise some constituents who have made inquiries to that effect?

The Hon. NICK XENOPHON: My remarks will be brief. This morning, members indulged me in terms of my treatise on gambling. In relation to the issue of retrospectivity, which is obviously something about which the Council has had enormous concern, there have been media reports that this significant development would not go ahead in the absence of a gaming machine application. It was reported in the media on 14 November by a representative of the developers that jobs were at stake and it was an important issue.

I have since had the opportunity of obtaining financial projections—and they did not fall off the back of the truck but were provided to me by one of the initial objectors, a licensed club in the area—which were made both on the basis of without gaming machines and with gaming machines. Without gaming machines, there is a projected net earnings after tax of $191 000 per annum; with gaming machines, $454 000. I am suggesting that this business would still proceed. It would still be a successful development, except that they would be making a solid profit and not the super profit they would be making with gaming machines.

I can understand the concerns with respect to retrospectivity. There is an issue here that a licence has not been granted but that an application has been made for a licence. There is a distinction and, if there is a question of compensation for work done by developers, there is a valid claim to that. However, I query whether it would be $150 000, because obviously a substantial proportion of the development costs would have related to the development overall and gaming machines were a portion of that development.

I agree with the Hon. Ron Roberts that it really is a piece of *ad hoc* legislation, and I have a lot of sympathy for what the Hon. Cameron said regarding the whole approach of this legislation. On 17 August, ABC television was told that the Premier's announcement was a cynical pre-election move. I did not say that; the Reverend Geoff Scott of the Adelaide Central Mission said that. How ever cynical some may perceive it to be, I say it is still a move in the right direction of getting pokies away from shopping centres.

Members may know that last year the Victorian Government clamped down on having poker machines located in shopping centres in developments such as this, and the rationale behind it was that research had shown that there was a greater potential for community harm if they had poker machines in shopping venues, as they would be more accessible. It is interesting to note that Mr Ian Horne, the Executive Director of the Australian Hotels Association, for whom I must say I have a lot of respect in that he is a very articulate advocate for his industry, said on 26 August this year, when being interviewed by a number of television stations in response to the Premier's announcement, that he thought it was appropriate. I know that because I was standing a couple of metres away while he was being interviewed.

In terms of the Victorian legislation, which tends to govern under the Jeffersonian principle of the Government that governs least governs best—and I am talking about

Thomas Jefferson not that other great statesman, Jeff Kennett—that approach has been taken there, and it is important that we move down that path. It is interesting to note that only two days ago the Victorian Government announced a cap on gaming machines, and I cannot speculate whether that has anything to do with the upcoming Victorian by-election.

The issue of the retrospectivity can be remedied by compensation for costs thrown away. The legislation having an exemption for the City of Adelaide is illogical. It does not make sense. The playing field should not be tilted in favour of the City of Adelaide. I have foreshadowed that I will be seeking a freeze on all gaming machines on the basis that the community impact has been significant. It has been an overall negative impact. There is widespread concern that there are saturation levels of gaming machines in this State and that we should not go any further.

I support the legislation generally, despite its inadequacies, and I look forward to working with members on both sides of the Council, and the Democrats, in framing some positive reforms to this industry which will minimise the negative social and economic effects.

The Hon. M.J. ELLIOTT: I do not intend to speak at great length. Sandra Kanck has spoken, and I share the views she has expressed. I want to make a few comments in relation to gaming machines generally, as this Bill does offer that opportunity. Certainly, when poker machines were first proposed I opposed them very vigorously, as members who were in this place at the time would know. I still believe as I believed then that poker machines do not create new wealth. What they do is redistribute wealth. While many people have become a little poorer—some profoundly poor as a consequence of poker machines—some individuals have become wealthy. I suppose a few have become almost profoundly wealthy, but I do not think any of those would have been players.

There is no doubt that it proved a saviour for many in the hotel industry who were struggling. There is also no doubt that every dollar that got spent there did not get spent somewhere else. There is absolutely no doubt whatsoever that other people who were also competing for the spending dollars lost out. That is inevitable. If you are not creating new wealth but are redistributing it there will be winners and losers. We can point at a boom in building hotels and in new jobs in hotels but, across a whole range of small businesses across the State, we can find people who lost their jobs and people who lost their businesses.

However, you cannot unscramble an egg, and we must look at where we go from here. I would certainly argue that, while you cannot unscramble an egg, you are pretty stupid to throw in more eggs if you are not sure whether you want scrambled eggs. The amendment moved by the Hon. Sandra Kanck that says 'Let's wait for the Social Development Committee to report before allowing a further expansion of gaming machines' is a very sensible way to go. It would be very foolhardy for us to continue to allow an expansion of poker machines while, at this stage, there is a very vigorous debate as to their impact. I cannot see that any harm will be done by a moratorium.

Whilst some individuals will still think about installing one or two extra machines, and perhaps some people who might like to start up venues, the fact is that the overwhelming majority of people who are interested in having poker machines or who have a major interest would have acted by now. I do not think we should be introducing more machines until the Social Development Committee has had an opportunity to report, because what we do not have at this stage is any sort of strategic thinking about gambling or about poker machines in particular.

Certainly the Government, by this legislation, is showing that it does not have any strategic vision whatsoever. So many people in this place have talked about this move being *ad hoc*, and they are absolutely spot on. It is an *ad hoc* move and the Hon. Sandra Kanck and others listed just how many other poker machine venues already exist in shopping centres and why, particularly with regard to retrospectivity, two or perhaps three venues should have been identified is a little hard to understand, as distinct from what is being proposed by the Hon. Sandra Kanck, namely, a freeze which will apply prospectively not just to shopping centres but to venues generally.

We are saying that as the Government announced a freeze a long time ago in relation to shopping centres, let that apply except for the retrospective aspects of it; but let us, now that we have the opportunity to debate in the Parliament, apply it more consistently not just in relation to shopping centres but also to other locations. There is a need for a coherent vision. As I said, I do not believe that is being provided at this stage, and I hope that the Social Development Committee will provide one because, so far, the Government has failed to do so.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I certainly hope so. There is also a challenge to the entertainment and hospitality industries. I know that those industries have certainly been involved in programs that have had a great deal of publicity in terms of moneys being directed to good causes, etc., but I believe they still need to take a closer look at the industry. Some outlets are nothing short of rogues and action must be taken by someone.

The Hon. T.G. Cameron: Name them!

The Hon. M.J. ELLIOTT: I did say on a previous occasion that I would start naming them. One outlet in Mount Gambier is getting very close to being named. I know that it has taken at least $100 000 off one person, and I would have to say 'taken'. Outlets would know when they have a problem gambler. They would know how much problem gamblers are losing in their venues. When venues give people who have a problem with gambling free meals, Christmas and birthday presents, and the like, as they slowly lose everything they have, they are a disgrace. They are an absolute disgrace to their industry and to anything reasonable in this State.

I believe that the hotel and hospitality industry should know who these people are and they should be doing something about it. I have had conversations with a few people lately who have also identified one or two other venues. You know when you have taken in excess of $100 000 off one individual. How you can continue to be kind to these people and give them the odd free meal and drink, and all the other things that go on, is totally—

The Hon. Carmel Zollo interjecting:

The Hon. M.J. ELLIOTT: No, it is not. I never said it would. What I am saying is that, whilst we are having a discussion about poker machines, we need a more coherent vision, and I think it will be about codes of practice. There is supposed to be some sort of code of practice now. I want to know whether or not we will have to move to a legally enforceable code of practice with some real teeth or whether or not the industry is capable of doing that.

As I say, we cannot unscramble the eggs because poker machines are with us for the foreseeable future; but we will still have to bite the bullet in relation to some things that are absolutely unconscionable—nothing more or less than that.

I have heard suggestions from the Hon. Nick Xenophon—suggestions that I have made in the past—about looking at the games long term. The hospitality industry, perhaps realising that poker machines have reprieved them, might have a longer-term vision about just how dependent they will be on poker machines in the longer term and whether or not they will continue to try to devise new ways of working these games so that they can extract every last cent.

The movement from 20¢ machines to 10¢, 5¢, 2¢ and 1¢ machines has happened because venues have worked out that the 1¢ machines—which is an interesting notion—are the machines that extract by far the greatest amount out of people's pockets.

It is not just about providing entertainment and getting people through the door. Like any business, understandably, they want to maximise the profit and the style of games, the multiple bets and multiple lines where the 1¢ machine suddenly turns into a machine that is far more expensive to play than the old machines which perhaps took $2 on one line but which do not spit profits periodically so that people stop and make a conscious thought, 'Okay, I have a bit of my money back, perhaps now is the time to quit.' Matters such as that deserve attention.

In the longer term I hope that the hospitality industry will say, 'We want to keep poker machines, but we will look at the way they operate,' not taking them away, not giving up the idea that they are an attraction that will bring people into their venue, and not seeing them as the predominant source of revenue and looking to see how they can keep turning the screw just a little bit tighter to extract just that much more.

Let us realise that an opportunity has been given and that a great deal has been gained from it. You do not have to give anything away, but perhaps consciously, over a period of time, you can move to a position that will be more acceptable across the community as a whole than it is at present.

These are the sorts of issues that the standing committee might consider over time. As I said, I think it is also a challenge for the hospitality industry to realise that there are grounds for people complaining. Not all the complaints may be right and many may be exaggerated, but there is no exaggeration about some individuals who are being quite deliberately screwed by either owners or managers of some outlets, and there is a challenge to do something about it.

I said that I would not speak at length and I stick to that. I support the second reading and I will support the amendments to be moved by the Hon. Sandra Kanck.

The Hon. R.I. LUCAS (Treasurer): I do not intend to respond in detail to all the comments that have been made by members: I will respond to only a small number. I say at the outset that the Premier's statement on 17 August, as one member identified, was in response not to Westfield but to a proposal for a gaming machine licence in the Firle shopping centre. The *Sunday Mail* and others were campaigning at the time, and the Premier was asked for his response. He gave it. I cannot recall whether he was in the Parliament at the time the legislation went through but, if he was, he would have voted against gaming machines. If he was not, it would have been his position, as I understand it, that he is personally opposed to the notion of gaming machines. The Premier indicated to the *Sunday Mail* very strongly that he felt that enough was enough and that he did not support the notion of gaming machines in shopping centres. Again, as I understand it, the Firle proposal fell by the wayside for a variety of other reasons.

The Premier, having been re-elected to government, indicated strongly his personal view about wanting to see the legislation pursued, and he also indicated that his very strong view was that, having made the announcement on 17 August, and as has occurred with tax legislation in the past in both the State and Federal arenas, he believed that ought to be the operative date. As a result, at this stage, given all the knowledge and evidence available to the Government, the proposal at Westfield is the only one that is likely to be affected by the legislation, should it be passed.

Members have strongly indicated their views on the retrospective clause. I have been in Parliament for 15 years and I have developed a good sense for detecting from members' speeches where things are heading. I have been advised that, whilst it is a conscience vote, Labor members all share a similar view. Similarly, while it is a conscience vote for the Democrats, I understand from the Hon. Sandra Kanck that Democrat members share a similar view. As has been indicated by the Hon. Legh Davis, some members of the Liberal Party also have a differing view about the issue of retrospectivity.

We could spend hours wrestling in Committee on retrospectivity and have a wonderful argument about who did and said what yesterday on the Land Tax Bill, and I refer to Kevin Foley, Ralph Clarke and a range of other members. However, unless other members want to pursue that course of action in Committee, I do not intend to do so. I think that we know where everyone is headed on this issue and I suggest that we process it and vote upon it, but it is for other members to make a decision.

The Hon. Sandra Kanck suggested that the Liberal Government has benefited from poker machines. I interjected out of order during her contribution and said that it is not really the Liberal Government that is benefiting. The Government argues that the money that is raised is spent on hospitals, schools and a variety of other public services. The Government does not pocket the money: it is spent on public services. As someone indicated, if we did not raise $150 million from gaming machines, we would have to raise it through other taxation measures or we would have to reduce spending by $150 million on hospitals, schools, roads, the environment and a variety of other areas. I will not pursue that issue at length, but that is the point that I was making. It is not the Government that benefits. The taxation revenue is not pocketed by members of the Government. It is spent on what the Government sees as essential public services.

I also cannot accept the argument which the Hon. Sandra Kanck pursued that it has given the Government the freedom to sell off Government assets. However, I will not pursue that matter. The honourable member and others raised the issue of the inconsistency of the Government's position or that of any member—because this is a conscience vote—as to the view that gaming machines can be opposed in a particular site such as a shopping centre yet at the same time the continued expansion of gaming machines across the State can be supported. That is not necessarily an inconsistent position. One can support a position of (a) gaming machines existing; (b) allowing controlled growth in certain areas; and (c) saying that such growth should not be permitted in a particular site or location.

Whether it is a shopping centre, a church building, a child-care centre or a school building, all those sites would be opposed in varying degrees by various people. While it might have been tempting for me as Minister for Education to have gaming machines in every school as a fundraising measure, I resisted that option. One could rule out placing gaming machines in certain facilities, buildings and locations whilst at the same time one could be entirely consistent in supporting gaming machines in other sites and locations in South Australia. So, it is not inconsistent to argue a position in relation to location.

I refer the Hon. Sandra Kanck and the Hon. Terry Cameron to the *Hansard* of 3 December, when I introduced the Bill. The word 'obscene' is not mentioned at all in that *Hansard* record. I can only advise the Hon. Terry Cameron, who has been around longer than the Hon. Sandra Kanck, to remember the age-old maxim to check against delivery. Early drafts included a different version of the report which was not agreed to by me for inclusion in *Hansard*, and I invite the Hon. Terry Cameron to check the *Hansard*. The word 'obscene' does not appear at all.

The Hon. T.G. Cameron: I never said it did.

The Hon. R.I. LUCAS: Yes, you did. The only other point I would make about the Hon. Mr Cameron's contribution is that he forgot that poker machines were introduced by a Government of his own persuasion, and I was one of the members in this Chamber who supported their introduction. When we have a longer debate in February on the Hon. Mr Xenophon's Bill, I will again put my position. I continue to be a strong supporter of the option of gaming machines in South Australia, and I have not resiled one iota from the position I took in 1992.

I congratulate the Hon. Carmel Zollo on her speech because I thought it was an excellent contribution. As my colleague the Hon. Legh Davis said, she said in two minutes everything the Hon. Terry Cameron said in 40 minutes, and made exactly the same points. I congratulate her and I hope that her good example rubs off on her colleague the Hon. Terry Cameron. Let me assure the honourable member that all members listened to the Hon. Carmel Zollo's contribution, heard it and understood it, but I cannot say the same for the 40-minute contribution from the Hon. Mr Cameron.

In contributions today, both the Hon. Mr Xenophon and the Hon. Mr Elliott alleged that a number of licensees of hotels have committed quite serious offences in relation to their operations. As the Hon. Mr Xenophon indicated, they are also contrary to the code of ethics of the AHA. I hope that, if they have not done so already, the Hon. Mr Elliott and the Hon. Mr Xenophon will identify those hotel proprietors to the Ministers responsible and to the AHA so that corrective action or persuasion might be taken against those people for what I understand were allegations concerning the illegal provision of credit.

It may be that the Hon. Mr Elliott and the Hon. Mr Xenophon have already taken that action, so I will stand corrected if that is the case. If they have not, through some oversight, I suggest that such action ought to be taken quickly. I do not think that anybody in this Chamber, even those who supported the introduction of gaming machines, would support some of the activities that were highlighted by those members in their contributions.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2A.

The Hon. NICK XENOPHON: I move:

Page 1, after clause 2—Insert new clause as follows:

Insertion of s. 14A

2A. The following section is inserted in Division 2 of Part 3 of the principal Act before section 15:

Freeze on gaming machines

14A. (1) Despite any other provision of this Act, the Commissioner cannot grant an application for—

(a) a gaming machine licence; or

(b) approval to increase the number of gaming machines operated under a gaming machine licence,

if the application was made on or after 4 December 1997.

(2) Any grant by the Commissioner of an application to which subsection (1) applies will be taken to be void and of no effect.

Simply, this amendment will facilitate a freeze on any gaming machine venues. It is not a moratorium. It goes further than the Hon. Sandra Kanck's amendment. It is a blanket exclusion from any new gaming machine developments in this State.

The Hon. R.I. LUCAS: I will oppose this provision. From the discussions I have had with some of my other colleagues in this Chamber, I understand that they may be interested in a substantive discussion in the February, March and April session. Again, this is a conscience issue, but my position is that I will not support it now or, indeed, in the February, March and April session. There are a number of problems in relation to this provision. For example, there are a number of small hotels and others which did not have enough money to purchase 40 machines when they came around the first time. They might have bought themselves half a dozen machines and now that things have gone relatively well they have perhaps renovated their entertainment or gaming area within their small hotel or now feel that they are in a position to gear up for another half a dozen machines or whatever else. So, there are those sorts of examples but, again, I do not intend during this debate to go on at length about that. I suspect that we will have another opportunity to discuss this issue early next session, but I indicate that whilst that is a personal view I do know there are some members who might vote against it on this occasion and who are prepared to enter a further discussion in the context of a wider debate about where everything else is going.

One of the problems with this debate is that the Premier and the Government hope to limit the debate specifically to a discussion on shopping centres. We understand now that a number of members want to raise the issue of a wholesale moratorium or freeze on gaming machines, which then raises a whole range of other issues that the Hon. Mr Xenophon wants to discuss, that is, slowing down the usage of machines, credit and a whole variety of other things. Obviously, it will be appropriate to look at that as a whole package at some stage in the future, and members can individually vote on that issue. I indicate at this stage that I oppose both this amendment and the foreshadowed amendment from the Hon. Sandra Kanck.

The Hon. SANDRA KANCK: I move:

Page 1, after clause 2—Insert new clause as follows:

Insertion of s. 14A

2A. The following section is inserted in Division 2 of Part 3 of the principal Act before section 15:

Moratorium on gaming machines

14A. (1) Despite any other provision of this Act, the Commissioner cannot grant an application for—

(a) a gaming machine licence; or

(b) approval to increase the number of gaming machines operated under a gaming machine licence,

if the application was made after the commencement of this section.

(2) Any grant by the Commissioner of an application to which subsection (1) applies will be taken to be void and of no effect.

(3) This section expires on 31 December 1998.

As a member of the Social Development Committee I am aware of the number of people who had indicated, at least prior to the election, that they wanted to give evidence to the committee. I am aware of the mountain of material that that committee still has to consider before it can come to conclusions. I have been concerned, particularly in the hype approaching the election, that there has been more heat than light in this debate. This amendment intends not to put a freeze on gaming machine licences as the Hon. Mr Xenophon proposes but simply a moratorium.

The time period I propose is until 31 December next year. That would allow the Social Development Committee to hear evidence probably until the middle of next year. This is just my guess on the basis of where we had got to before. It would then allow the committee to deliberate, to prepare its report and, once it is tabled, to allow appropriate Ministers their statutory three months to respond to whatever the Social Development Committee recommends. That could take us to the end of December next year. Given that there is so much fuss, concern and conflicting information, it seems to me that the best thing that can be done is that new licences should not be granted during that period.

However, I have the amendment worded in such a way as to ensure that it is not retrospective, so that those establishments that are in the process of seeking or obtaining a licence for gaming machines should not be prevented from completing that process. I think this is consistent with what I have been arguing about the Government's retrospectivity in this Bill. I do believe that it is the cleanest way for us to deal with the whole issue of poker machines. It allows the Government to address the issue of poker machines in shopping centres but it does so in a wider context.

The Hon. P. HOLLOWAY: I indicate that I am opposed to both amendments for the reasons the Treasurer outlined and for other reasons which I will be happy to outline when we have the opportunity to revisit this matter next year. I am sure that other members of the Opposition will also be pleased to give their views on this matter when we come back to look at the whole issue of gaming machines next year.

The Hon. T.G. CAMERON: I oppose both the amendments, but I would not necessarily be adverse to a proposition similar to that which Jeff Kennett has introduced in Victoria, where he has put a cap of 27 500 machines on Victorian pokies until the year 2000. So, whilst I am voting against both these amendments (I will not go into my reasons), I would be prepared to look at some kind of cap at some time in the future.

The Hon. T.G. ROBERTS: I also oppose both the amendments. In some ways the moratorium pre-empts any recommendations that might come out of the inquiry. If we impose a moratorium while the Social Development Committee is judging what legislation should be put in place—and that is something for the Government and us to consider—we are pre-empting the Social Development Committee's decision.

The Hon. R.R. ROBERTS: I oppose the moratorium on all poker machines. However, I indicate at this stage that, if this Bill passes so that no further premises in retail shopping areas will have poker machines, I would be in favour of a moratorium on the number of poker machines that presently exist in these specified areas. I understand that those applications that have gone forward are for 40 machines, but I also understand that some perhaps some are being used in other taverns where they have only 20 machines. I would have no problem in supporting the proposal that, from the time this Bill passes, those venues with only 20 be restricted to 20—with one exception: where one of those premises has made an application to go to 40 machines as part of a redevelopment. If no application is pending I am quite happy to have those premises restricted to the number of machines they have at the present time.

The Hon. T. CROTHERS: I did not intend to enter the debate, but I think I shall have to. I oppose both the retrospectivity clause and the moratorium. It is to the moratorium that I want to draw the focus of the Council. One of the reasons I will not support it in any shape or form is that, however well intentioned it is, I do not think it is a good amendment. If you visit this Bill by way of amendment and keep revisiting it you will get absolutely nothing done. When we started out and did not have poker machines we had an empty well. The well started filling and now it is almost brimming over. I think something will have to be done with respect to the issuing of poker machine licences in particular areas. I draw members' attention to this matter. If an international hotel decides to come here and set up premises it will make an investment of God knows how many millions. It will probably also provide jobs, as in the case of the Hyatt or the Gateway, for 300 or 400 of our long-suffering unemployed South Australians, and additional revenue for the State by way of payroll tax, etc. If they can come here on a level playing field, bearing in mind that the other larger accommodation hotels are using their poker machines profits to subsidise cost cutting exercises—

The CHAIRMAN: The Hon. Mr Crothers, I should not have to point out to you that I would like you to address the Chair.

The Hon. T. CROTHERS: Indeed, Sir. I was trying to address the Hon. Ms Kanck; my accent is the problem. I stand corrected and I will take your advice, obviously, as I always do. The thing about the moratorium is that it is a blanket moratorium. So, over the next 12 months it is just possible that we could get investors wishing to come here and build a large accommodation hotel. If we put them at a disadvantage by saying, 'You can only build that without poker machines now because we have a moratorium,' they will not come. So, again we would put a dampener on the activities of the Government by way of attracting investment moneys into certain types of industry in this State for 12 months, because they will not be on a level playing field with the accommodation hotels that already have poker machines. Everybody uses their profit in the longer term to cut their room and meal prices. So, I recognise that something has to be done; if you get to a position where the well is brimming to the full and starts to overflow, it will wash away the foundations of your house and you will finish up not having a house at all. I oppose the retrospectivity clause, because I think that in most instances retrospective legislation is bad legislation. I can imagine I might support it in the case of a bottom of the harbour scheme. I oppose the moratorium measure, however well intended, because I think it properly belongs in the Social Development Committee's area.

If the Government wishes to do something about bringing the Gaming Machines Bill into the second millennium of our era, it will be able to do that only by looking at the totality of the matter and not by revisiting it now when we have amending legislation before us. If the Government wants to revisit this matter, it could do so by having the Social

Development Committee look at it before bringing a subsequent report back to Parliament for its consideration. With those few words, I indicate my opposition. I understand what my colleague the Hon. Ron Roberts said and I do not agree with him. If we want to revisit the Bill it has to be done in totality and not piecemeal, not nip and tuck. I indicate—and this might assist some members of the Opposition concerning my position—that I oppose both amendments.

The Hon. Mr Xenophon's proposed new clause negatived; the Hon. Sandra Kanck's proposed new clause negatived.

Clause 3.

The Hon. P. HOLLOWAY: I move:

Page 2, line 1—Leave out 'whether the application was made before or' and insert 'only in respect of an application made'.

This amendment removes the retrospective element of this Bill which we have discussed in great detail previously. I am sure all members are aware of it, so I will not go through the arguments again.

Amendment carried.

The Hon. R.I. LUCAS: I indicate that the Hon. Angus Redford asked a question about clause 3 during the second reading debate and I will endeavour to respond to that question at this stage. The Hon. Angus Redford raised an issue about clause 3, line 23 which provides:

. . . or grant any other application under this Act in respect of licensed premises that are subject to a gaming machine licence, if to do so would result in the licensed premises, or the whole or part of a gaming area of the licensed premises, being located—

Then paragraphs (a) and (b) follow. The Hon. Angus Redford raised two sets of circumstances. One has been alluded to by the Hon. Ron Roberts in his contribution but the second related to a situation where a licensee already had permission for 40 gaming machines and through some renovation was reordering their location or siting within the licensee's premises. The Hon. Mr Redford asked whether in some way that might be affected by this legislation. My advice is that that would not be the case.

The other question that has been raised related to premises where someone had only 20 machines and they wanted to increase that number to 25 machines and whether they would be affected by the legislation. My understanding is that they would not be affected by this legislation, either.

The Hon. P. HOLLOWAY: I move:

Page 2, line 3—Leave out 'after that commencement'.

This is a consequential amendment on the previous amendment.

Amendment carried.

The Hon. NICK XENOPHON: I move:

Page 2—
Line 9—Leave out 'or'.
Lines 10 and 11—Leave out paragraph (b).

These amendments are consequential. They simply provide some consistency in relation to the Bill so that, if suburban shopping centres are affected prospectively, the legislation also affects prospectively any city shopping centres in terms of gaming machine venues. It is simply a question of consistency. If members are inclined to vote for the prospective aspects of the legislation in relation to suburban shopping centres, it does not make sense that they do not look at the question of city shopping centres. I endorse what the Hon. Ron Roberts said in relation to tilting the playing field for one part of the State as against the remainder of the State.

The Hon. T. CROTHERS: I think the Hon. Mr Xenophon's amendments are superfluous given the way in which we have dealt with the Bill thus far. I understand what he is saying and I have some sympathy with what he is trying to inject into the debate, but I come back to the point I made earlier that if you want to deal with this matter properly you must deal with it in totality. In the same way, we knocked back retrospectivity in respect of the tavern at Marion. We thought that was a bit unfair, because the Government was being singular in its approach for reasons best known to it, whatever they were.

So, in my view you cannot deal with the problem by approaching it as a separate issue. Again, I indicate to the Committee that, because I believe the matter should be dealt with in totality by the Social Development Committee ultimately, I will oppose the amendments moved by the Hon. Mr Xenophon which I think assume a degree of superfluity when we have already dealt with three other matters.

The Hon. R.R. ROBERTS: I differ from my colleague the Hon. Trevor Crothers. The principle has been established about shopping centres. We can fix it, but we cannot half fix it. This amendment fixes the problem in all of South Australia, not only in the metropolitan area but in the city as well. I urge the Committee to support the amendments proposed by the Hon. Mr Xenophon.

The Hon. T.G. CAMERON: I am a bit confused by the Hon. Trevor Crothers' statement. If we were rejecting this Bill outright and we were not introducing any change at all into the metropolitan area, I would be on all fours with him, but as I see it we have the numbers to introduce a change in the metropolitan area, but it exempts the square mile of Adelaide. If we pass this legislation, we will create two different playing fields, and I do not support that. So, I disagree with my colleague, and I support the Hon. Mr Xenophon.

The Hon. SANDRA KANCK: I go back to the media release which the Premier put out on 17 August, the first sentence of which states:

Premier John Olsen has announced there are to be no more poker machines within shopping centres.

Nowhere in this media release does it say that this refers to suburban shopping centres. I assume, therefore, that on the basis of this media release the industry has been aware at all times, at least until the legislation appeared in its draft form last week, that this refers to all shopping centres. Therefore, they were expecting something of this nature. I spent quite some time during my second reading contribution criticising the Government for its lack of consistency on this in its legislation. Therefore, given that there was nothing specifically about suburban shopping centres in the Premier's release, I feel that the Hon. Mr Xenophon's amendments should be supported.

The Hon. R.I. LUCAS: I have had the benefit of some informal discussions with members on both sides of the Chamber about this provision as well as with some who are not able to be with us at this moment, so I am in a position of knowing roughly what their views are. It appears to me, from those who have spoken in this debate on the public record and from those to whom I have spoken, that the majority of members are prepared to support the Hon. Mr Xenophon's amendment on this issue. The Premier and I do not see this as being a central focus of this debate. I am told that in the original drafting of the Bill the drafting instructions were that people generally did not come into the CBD to do their weekly grocery shopping, with the possible exception of the

Central Market, to which I can address some comments in a moment, and also that the CBD—

Members interjecting:

The Hon. R.I. LUCAS: And that is the point. The original drafting instructions that evidently went to Parliamentary Counsel were to treat the CBD as a special set of circumstances. I completely understand the argument that the Hon. Mr Xenophon and others (and, I believe, the majority of members) have put in relation to this issue. Therefore, I indicate that I am not entirely fussed, as I have said publicly, whether the provision remains in or out. It would appear that a majority of members will support Mr Xenophon's amendment and delete this provision.

The Hon. T.G. Cameron: You can always go and do a straw poll.

The Hon. R.I. LUCAS: No, I am interested in all of us getting home at a reasonable hour this evening. I make one other point in relation to the original drafting instructions that went to Parliamentary Counsel on this issue. The distinction in relation to the Central Market was that there already is access to gaming machines at Aces Bar in the Central Market. I am also told that there are three or four hotel licences immediately adjacent or very close to the Central Market and it was going to be a very difficult task for anyone to get another hotel licence and then to seek further gaming machine licences in relation to that area. So, the original drafting instructions envisaged that it was unlikely that there would be future gaming machines within the Central Market area.

With that, I indicate that the Premier, the Government and I are not entirely fussed about this amendment being successful for the Hon. Mr Xenophon.

The Hon. T. CROTHERS: Just as a matter of guidance, in the light of the Leader's statement, I inform the Council that I shall not be calling for a division.

Amendments carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. R.I. LUCAS (Treasurer): I move:

That this Bill be now read a second time.

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

Leave granted.

The Electricity Act was proclaimed on 1 January 1997. The Act contains a number of regulatory provisions, many of which were effectively similar to the arrangements previously the responsibility of ETSA under the Electricity Corporations Act.

The Electricity Act 1996 established the position of the Technical Regulator. The Act is administered through the Office of Energy Policy, Department of Primary Industries and Resources.

The required Regulations under the Electricity Act were made, effective 1 January 1997, and were refined during 1997 in close consultation with affected parties (industry, employers, employees).

These steps established the basic technical, safety and commercial licensing measures required to be in place in South Australia before the start date of the National Electricity Market. The Act, in its current form, does not include the powers to administer the network charges which must be paid in the National Electricity Market, and which are, ultimately, reflected in the electricity accounts of customers.

This Bill seeks to address this additional State regulatory activity, and creates the role of Pricing Regulator. It also empowers the Pricing Regulator to set maximum access charges to apply in South Australia.

The Bill makes a number of minor amendments to the Electricity Act 1996.

The National Electricity Code, as the operating manual for the new National Electricity Market, contains a number of transitional arrangements covering the South Australian elements of the national market. The South Australian transition path will be based on a Contestability Timetable governing the dates on which customers will become contestable according to their electricity load. A Regulation will be required to effect that timetable under the Electricity Act, and my Government anticipates tabling that Regulation during this session, together with the initial Electricity Pricing Order made pursuant to the powers established under this Bill.

It is anticipated that, from July 1999, the Australian Competition and Consumer Commission will take over the role of regulator of transmission network pricing for the purposes of Chapter 6 of the National Electricity Code. The Government is considering the overriding matter of derogations from the Code which currently provide that South Australian transmission pricing will continue under South Australian Government control until the year 2010. In the process of Code finalisation, this matter is being studied closely by the Australian Competition and Consumer Commission.

The powers under the Bill are intended to underpin whatever national network pricing arrangements are made, and to support whatever local derogations are approved in regard to transmission network pricing.

In addition to transmission network pricing, the Bill will provide for distribution network pricing for the foreseeable future. It is anticipated that this will remain a State responsibility, requiring long term oversight by the Pricing Regulator.

The Bill also seeks to amend the temporary immunity granted to electricity corporations as defined by the Electricity Corporations Act, 1994 (namely ETSA Corporation and South Australian Generation Corporation, trading as Optima Energy), to add immunity in relation to variations in supply (otherwise known as power surges) to the present immunity in relation to partial or total failure to supply electricity. In so doing, the immunity ceases to be absolute, and excludes anything done or omitted to be done by the corporation in bad faith or in negligence.

It has been considered desirable to add to the Electricity Act, by way of an amendment to the definition of 'contestable customer' in s4 of the Act, a degree of flexibility in administration of the staged opening of the market, such that individual point load is not the sole basis of determining contestability. The proposed new definition retains the use of subordinate legislation as the vehicle for determining contestability, but now provides for such definition as may be subsequently determined. It is envisaged that this will allow special cases to be considered on merit, where a uniform, load based definition would not.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

The term contestable customer is redefined as a customer classified by regulation as a contestable customer removing the requirement that the test be only as to actual or projected levels of electricity consumption.

A new definition of Pricing Regulator is inserted. The Pricing Regulator is to mean the person holding the office of Pricing Regulator under Part 2 of the Act.

The amendment proposed to the definition of electrical installation is minor and for clarification purposes only.

The definition of transmission or distribution network is proposed to be amended by the addition of the phrase 'the whole or any part of' so that term will be defined as the whole or any part of a system for the transmission or distribution of electricity, etc.

Clause 4: Insertion of Division heading

Part 2 of the principal Act is headed 'Administration'. It is proposed to divide this Part into 2 divisions (one providing for the Technical Regulator and the new division providing for the Pricing Regulator) (*see clause 6*) and hence a heading for Division 1 is inserted.

Clause 5: Amendment of s. 11—Obligation to preserve confidentiality

This amendment is consequential on the establishment of the office of Pricing Regulator. The effect of the proposed amendment is that the obligation on the Technical Regulator to preserve the confidentiality of information gained in the course of the administration of

the Act does not apply to the disclosure of information between persons engaged in the administration of this Act (including the Pricing Regulator and persons assisting the Pricing Regulator).

Clause 6: Insertion of new Division in Part 2

New Division 2 is to be inserted after section 14 of the principal Act.

DIVISION 2—PRICING REGULATOR

14A. Pricing Regulator

There is to be a *Pricing Regulator* who may be a Minister of the Crown, or some other person, appointed by the Governor.

14B. Functions

The Pricing Regulator has the network services price fixing functions assigned to the Pricing Regulator under Part 3 of the Act (*see clause 8*).

14C. Pricing Regulator's power to require information

The Pricing Regulator may require a person to give the Pricing Regulator, within a reasonable time, information in the person's possession that the Pricing Regulator reasonably requires for the performance of the Pricing Regulator's functions under the Act.

It is to be an offence for a person required to give such information to fail to provide the information within the time stated in the notice. (Maximum penalty: $10 000.)

14D. Obligation to preserve confidentiality

The Pricing Regulator must preserve the confidentiality of information that could affect the competitive position of an electricity entity or other person or that is commercially sensitive for some other reason.

This does not apply to the disclosure of information between persons engaged in the administration of this Act (including the Technical Regulator and persons assisting the Technical Regulator).

Information classified by the Pricing Regulator as confidential is not liable to disclosure under the *Freedom of Information Act 1991*.

This proposed section mirrors section 11 of the principal Act (as amended by clause 5—*see above*).

Clause 7: Amendment of s. 21—Licence conditions

The amendment proposed to subsection (1) is to make it clear that a variation of a condition of a licence, or the imposition of further conditions, may occur at any time during the term of a licence and not just on the issue or renewal of a licence.

New subsection (3) provides that the Technical Regulator must, so far as the Technical Regulator considers it practicable to do so, comply with a request of the Pricing Regulator for the imposition of a condition on a licence requiring 'ring fencing' of the various operations of the electricity entity holding the licence.

Clause 8: Insertion of new Division in Part 3

Proposed new Division 3A provides for network services pricing by the Pricing Regulator.

DIVISION 2A—NETWORK SERVICES PRICING

35A. Network services pricing

The Pricing Regulator may, from time to time, by notice in the *Gazette*, fix a maximum price, or a range of maximum prices, for network services. Such a notice may be limited in application, or have varying application, according to factors specified in the notice and may, by further notice, be varied or revoked. Such a notice is to have effect for a period specified in the notice and is to be subject to variation or revocation in circumstances, or taking into account matters, specified in the notice.

The Pricing Regulator may, from time to time, publish principles and guidelines that he or she will observe or take into account in fixing prices. Regard will be had, in formulating principles and guidelines, and in fixing prices, to—

- any relevant provisions of the National Electricity Code;
- any relevant pricing recommendations published under the *Government Business Enterprises (Competition) Act 1996*;
- any other matter that the Pricing Regulator thinks fit.

It is to be an offence for an electricity entity to charge a price for a service that exceeds an applicable maximum price fixed by the Pricing Regulator under new section 35A. (Maximum penalty: $50 000.)

Clause 9: Amendment of s. 91—Statutory declarations

These amendments are consequential on the establishment of the office of Pricing Regulator.

Clause 10: Amendment of sched. 2

This clause amends clause 2 of the schedule which provides temporary immunity from civil liability for an electricity corporation (under the *Electricity Corporations Act 1994*) where an electricity supply is cut off under the principal Act or there is a failure of electricity supply. The immunity is extended to variations in electricity supply while, at the same time, the immunity for failure or variation of electricity supply is restricted to cases where there has not been bad faith or negligence on the part of the electricity corporation.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

GUARDIANSHIP AND ADMINISTRATION (EXTENSION OF SUNSET CLAUSE) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. R.I. LUCAS (Treasurer): I move:

That this Bill be now read a second time.

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

The Guardianship and Administration Act and the inter-dependent Mental Health Act 1993 came into operation on 6 March 1995. These two Acts were introduced following an extensive policy development process from 1989 to 1993. The Guardianship and Administration Act provides a number of options for substitute decision making for people who are mentally incapable of making their own decisions due to conditions such as dementia, intellectual disability or brain damage.

The Guardianship and Administration Act adopted structures and principles consistent with the 'Australian' model of adult guardianship. The model now operates in NSW, WA, Victoria, ACT and the Northern Territory, and is being introduced in Queensland and Tasmania, although there are some differences in between the States.

The legislation contained a number of significant features. The position of Public Advocate was created for the first time, as a statutory position with a protective role. Recourse to the Parliamentary Debates at the time indicates that there was a good deal of focus on issues related to the independence of the Public Advocate. For example, issues such as whether or not the Public Advocate should be subject to the control and direction of the Minister; and whether or not the position should be created and funded via the Health Commission or some other agency were issues which emerged around the theme of independence.

In the event the Bill proceeded to a Conference of Managers. The Conference agreed upon a sunset clause to allow the Parliament the opportunity to review commitments made about the independence of the Public Advocate. That provision, Section 86, provides for the Act to expire on the third anniversary of its commencement. The two Acts commenced on 6 March 1995.

Earlier this year, the then Minister for Health, established a Review to advise him on any further recommended changes to the legislation. A public consultation process was undertaken to inform that Review, and there have been numerous meetings of the Review Group towards the development of a Report on these matters.

The Review has not yet been completed, although it is expected to report in the next month or so. However, in the interim, it is necessary to protect this significant piece of State legislation from expiry on 6 March 1998. An extension of the sunset date by twelve months will allow the finalisation of the current Review, and the 'unrushed' introduction, debate and passage of any legislative amendments considered necessary.

The Bill therefore seeks to amend the sunset clause in the principal Act by extending it by twelve months.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 86—Expiry of Act

This clause provides that the Act will expire on the fourth, instead of the third, anniversary of the commencement of the Act. The new expiry date will therefore now be 6 March 1999.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 December. Page 20.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. However, it causes me great concern that the time of Parliament and public resources have been dedicated to preparing this piece of legislation which is designed to overcome a deficiency in the original drafting of the legislation. Parliament first considered this legislation in October 1995, in response to the 1990 Special Premiers' Conference, which agreed to establish a national heavy vehicle registration scheme together with uniform national transport regulations and nationally consistent charges. At the time, the Opposition supported the introduction of nationally uniform legislation. As the legislation currently before the Council does not represent a policy divergence, we are again prepared to cooperate with the Government in supporting its introduction. On a previous Bill, we have just had a debate on the matter of retrospectivity, and traditionally we frown upon supporting retrospective legislation. However, we are prepared to do so in this case as it reflects the original intention of the Parliament.

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Well, you'll be glad I will support it, otherwise it will cost you $17 million. Don't you argue with me on this point or else you will be in trouble. I understand the Minister's vulnerability in relation to claims for restitution regarding the period between 1 July 1996 and 24 September 1997, when the legislation did not provide for collection, thus creating an avenue for claims. When the Minister briefed me on this matter some week or so ago, she advised me there had been no claims for restitution. Is this still the case, and has the Minister undertaken any consultation with stakeholders on this matter?

I refer particularly to an *Advertiser* article of 14 November in which the Secretary of the Transport Workers Union was particularly angry at what he believed was an illegality and that operators would want their money back. I have had discussions with Mr Gallagher on this issue and, while I sympathise with the views he has expressed—and he is very angry about the sloppy drafting of the legislation, and I agree with him on this issue—it seems to me that in this case the original intention of Parliament and nationally was that this legislation should be supported. I do not wish to see the State lose out on this issue. If the Minister can assure me that there have been no claims for restitution, I will be satisfied with her word.

The Opposition has considered the legislation and is satisfied that it fulfils the purpose of the original intent, namely, to make a retrospective amendment to the Motor Vehicles Act, first, to ensure that fees collected for the registration of heavy vehicles are not recoverable and, secondly, to validate heavy vehicles where fees were paid during the period in which there was a deficiency. With some reluctance and in the interests of good government, and recognising that the buck stops with the Minister on this issue, I support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the Hon. Carolyn Pickles for her support and that of the Labor Party. The Hon. Sandra Kanck has confirmed to me that she, too, on behalf of the Australian Democrats, will support this measure. I thank all members for their cooperation and understanding, and the speed with which they have been prepared to address this measure. No claims have been brought to my attention. I inquired again today and found that five inquiries, I think, have been received by the Department of Transport. However, once the issue was explained, those claims were not pursued. People just wanted to know what was happening and why, and those inquiries were dealt with promptly. Again, I thank members for their support and understanding.

Bill read a second time and taken through its remaining stages.

ROAD TRAFFIC (SPEED ZONES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 41.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. School speed zones were introduced at the beginning of the 1997 school year by the Minister for Transport under the existing provisions of the Road Traffic Act 1961. The Opposition is prepared to support measures which protect children from speeding motorists, but I do not believe that these school signs are the answers, particularly given the total confusion that has occurred since they were introduced.

I have distributed the legislation to the key stakeholders for consultation. Those people include the Local Government Association, the Aged and Invalid Pensioners Association of South Australia, the South Australian Association of State School Organisations, the Institute of Municipal Engineering, the RAA, the Australian Education Union and the South Australian Police. Issues identified by the round of consultation were not only interesting in their consistency but reflect my own analysis and concerns regarding the situation.

Whilst the Opposition is supportive of the legislation, its mere presence gives me great cause for concern. As I understand the problem which has been identified by the Crown Solicitor, the Road Traffic Act 1961 does not clearly provide for the part-time operation of the Minister's zones. At a practical level, this means that police have been enforcing the school speed restrictions on a 24 hour basis as they are legally entitled to do, hence contradicting the zones' part-time nature. This raises a number of issues which have been highlighted recently by the media in the *Advertiser* of 13 and 14 November, by constituents and by the newly elected President of the Legislative Council in the Legislative Council by way of a question on 6 March 1997. I understand that you, Sir, were not particularly happy with the operation of this particular piece of legislation.

It is estimated that a total of $1.3 million in revenue was collected in the period from March to October 1997. Can the Minister confirm exactly how much has been collected in revenue from speeding fines relating to school zones, and how many of these fines were incurred by people confused by the new signs? We have agreed to expedite this legislation through this Chamber tonight, but I would appreciate the Minister's providing that response so that, when the Bill is dealt with in another place, we can perhaps get an answer on that issue. In a worst case scenario, motorists not only have been fined hundreds of dollars but also have lost demerit

points and perhaps their licence for driving at a legal speed limit of 60 km/h outside the school speed zone.

Is the Minister able to advise whether members of the community have made any challenges to the existing law? My advice is that the legislation is legal but that morally its application and enforcement have been inconsistent and misleading. In fact, the advice given to the Minister by the Crown Solicitor—a copy of which the Minister very kindly gave me—stated, in part:

> The time of day indicators probably have no effect on the lawfully erected and prescribed signs; they merely indicate when the speed limit will be enforced. There is no authority on this and I caution that it may be open to challenge.

Clearly, some people may well challenge this issue in the courts, and I would encourage those people who do feel aggrieved to take up the issue with their lawyers, although it is my advice that the application of a demerit point or a fine was legally enforced, but certainly it was confusing.

Another issue is the inconsistency of the hours for enforcement of the seed zones. Although the signs advise drivers of the speed limit and the operating hours, I understand that this can vary from zone to zone, leading to even greater confusion. In a bid to resolve this confusion, is the Minister prepared to consider the standardisation of the hours across the State, for example, applying the zone from 8 a.m. to 5 p.m. on weekdays instead of the current 8 a.m. to 9 a.m. and 3 p.m. to 4 p.m. on school days?

The signs also presume that motorists are aware of school days and holidays, which again is a recipe for disaster, as school terms can vary from State to private school sectors. One of my parliamentary colleagues has indicated that on one road alone in her electorate, with several schools in that area, there are different time zones. That raises a tremendous complication. The school signs are in a mess and they have been since the day they were introduced. I understand the Minister's intent to introduce them in the interests of road safety but, in fairness to our drivers and in the interests of road safety for school children, I can only hope that the Pedestrian Facilities Review Group set up by the Minister once again can come up with a much more sensible solution. I am sure the Minister would want to see something which was consistent and which would not cause the problems this has been causing. I will certainly be discussing a practical and safe solution with the relevant constituency.

This legislation should not be necessary. I understand that it was a drafting oversight, and I would urge the Government to ensure that the legislation is properly prepared. I know that mistakes occur from time to time, but I believe that people have been seriously disadvantaged on this issue. I express my concerns in the strongest possible terms and hope that the Minister can get it right next time before someone has a terrible accident.

The Hon. SANDRA KANCK: The Democrats are in agreement with the Government that there is a need to remove the powers that the police have legally been using, but that is about as far as our agreement goes. We believe that from the start of the introduction of these 25 km/h speed zone signs the Government has stuffed it up. I believe the Government has a moral obligation to refund the fines imposed on, and to remove the demerit points incurred by, these motorists.

When the Minister briefed me about the matter a week and a half ago she said that there was no basis for saying that people were fined illegally. I do not quibble on that point at all, but people were travelling through these areas believing, in all good faith because it was outside the sign-posted signs, that they were under no obligation to travel at 25 km/h. It must have been extraordinarily distressing for law-abiding citizens to find that they were in fact breaking the law.

I am not quite sure what the fine has been or how many demerit points have been lost by those motorists who were picked up by the police, but I would be interested to know that information. I would also like to know how many people were fined by the police and how many people lost demerit points as a consequence.

Certainly, the public education campaign—and I use the term advisedly—that occurred last year with respect to the signs did not advise people that this was the case. While the Government may argue that this has been legal, it certainly has not been moral. One constituent wrote to me and the letter states:

> Clearly not only should the expiation fees be refunded, but the refunds should be accompanied by letters of apology to the alleged offenders signed jointly by the Minister of Transport and the Police Commissioner individually. One solicitor even expressed the view that the Police Commissioner should be prosecuted for permitting or attempting to permit the obtainment of money by false pretences in respect to each and every infringement notice issued for speeding in the imaginary school zones.

Whether or not that would be possible I will leave to the lawyers to argue. I suspect probably not.

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: Yes, it probably would. When I arrived in South Australia 17 years ago—in fact, it is almost 17 years ago to the day—I encountered the yellow flashing lights at school crossings. Not having experienced those flashing lights in New South Wales, I was rather perturbed. I found that I had to keep an eye on the speedo as I was approaching the crossing to ensure that I was not travelling above the 25 km/h limit and, in that process, I was not watching the road. I considered it to be a somewhat dangerous way of regulating the traffic in those areas, whereas lights at school crossings in New South Wales were always pedestrian activated. I have never really come to terms with the yellow flashing lights. Pedestrian-operated lights are so much more effective. You do not have to check what time of day it is; you do not have to work out whether it is a week day or a weekend; and you do not have to work out whether you are travelling at the right speed or whether it is school holidays. It is absolutely clear: when that light turns yellow and then red you know you must stop. You cannot make a mistake.

So my preference at all times is for pedestrian operated lights. When the signs first appeared at the beginning of this year, I had no idea that they were appearing until they were there. When I went through the first one I said to my husband, 'What is that sign?' The next time I went through it a couple of days later, I thought, 'There is that sign again.' I was still travelling at 60 km/h and altogether I travelled through that sign either one way or another past that establishment six times before I got a grasp of what it was about.

The Hon. Diana Laidlaw: Before the sign went up you still would have been required by law to know that you had to go at 25 km/h.

The Hon. SANDRA KANCK: Yes,if there was a child on the footpath. I knew that, but there were no children on the footpath on any occasion, so it was not a problem. I believe that on those six occasions I did break the law unwittingly.

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: I do not know whether that can be done retrospectively, but it was only after the sixth time that I pulled up the car and reversed to see what the sign said. It was only then that I was clear that I had broken the law on at least six previous occasions. I put out a media release late last week saying what I thought about the current situation whereby people had been fined for apparently speeding, and I have had a significant number of phone calls from the public in response to that.

I have to inform the Minister that there has not been a single call in favour of those signs. Every letter and call I have had has been angry about them. People have told me that they are confusing, too small to read, are badly placed or the designated times are not appropriate. In order to observe those signs properly you need to be either wearing a watch or have a radio and have just heard the time—

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: Yes, I will get to that—or you must have a more modern car that has a digital time display for you to check that it is the appropriate time for you to be travelling at either 25 km/h or 60 km/h. You also need to know school holiday dates and, if you do not have children, that may not always be easy. I refer to a particular example regarding the signs that I travel through regularly. I refer to Campbelltown preschool at 34A Hambledon Road, Campbelltown. I went through this sign six times and was clearly breaking the law each time I did it.

I grew increasingly dissatisfied throughout the year because, as often as I went through there on a school day during the designated times, there was just no-one around. In fact, it looked to me as if the preschool had no-one in it. I could see no activity even in the yard. Having got hold of a small tape recorder which I was then able to carry in the car, I started recording as I went through each day the activity in terms of the time I went through, the number of cars parked on the footpath or along the kerb, the number of children on the footpath or the number of children in cars. I also made other comments such as a car being reversed off the footpath onto the road and the like. I have recorded that and I will hand it to the Minister for her information.

On 32 occasions I recorded what I saw as I traversed this section of road. On those 32 occasions there was a total of eight children on the footpath and a total of four children in cars who may or may not have been going to alight at that time, because they could have been sitting in the car while another child was taken into the kindergarten. I have no idea.

On 16 of those 32 occasions—that is, 50 per cent of the time—there was no-one in sight in a car, on the footpath, inside the fence, or inside the gate of that preschool. I have given that example because I see it regularly and it has annoyed me a great deal.

I can give another example in relation to that same preschool centre of driving past during the designated time on a school day and having a motorist who was driving behind me tooting angrily and trying to push me along because I was travelling at 25 km/h when clearly no-one was there.

The Hon. R.R. Roberts: He probably saw the Democrats sign on the back.

The Hon. SANDRA KANCK:. Okay! Another example that really got me occurred just a few weeks ago. When travelling down to Millicent I went through Tailem Bend, and this incident really shocked me. It was 9.20 a.m. but I did not know that for sure. I was driving a hire car—used from my travel allowance—so I was not familiar with it.

Members interjecting:

The Hon. SANDRA KANCK: No, it had a digital time display but I did not know where to look for it. I was travelling through Tailem Bend, and suddenly I saw the 25 zone. I read the sign and it said that it applied until 9.15 a.m. I will not tell the Council the word that I used, but I tried to look at my watch. I found that it was covered by the sleeve of my jacket, so I took my left hand off the steering wheel, pushed the jacket up, had a look at my watch, saw that it was 20 past 9, and thought, 'My God it is okay,' at which point I put my left hand back on the steering wheel. However, in that time I was not watching the road.

If there had been a child crossing the road, I probably would have collected the kid by that stage. It was an extraordinarily dangerous situation. At the very least, there should have been flashing lights or flags. The crossing is located in an extremely dangerous position and such a sign is not adequate. When I travelled back that evening about 9 o'clock, I was aware that it would be there, and I found that on the other side of the road there was a sign saying that a school zone was approaching. I am not sure how far it is between that sign and the 25 zone, but I would say that it is about 10 metres. As I went through, I noticed that the same sign appears on the other side of the road but that I had not noticed it.

That is an example of a very dangerous situation. If a child had been on the road, I could have hit that child because I was so busy trying to work out whether I was within the time designated by that sign. On that day, I was in Millicent at a function at the civic centre, where I met the Hon. Terry Roberts and he invited—

The Hon. R.R. Roberts interjecting:

The Hon. SANDRA KANCK: No, he was at the same function. He invited me into the street alongside the civic centre to look at the 25 speed zone there, which I did. Again, I was horrified by the situation. The locals presumably know that there is a kindergarten immediately over the crest of the hill, but for someone who does not live in the district it is very dangerous. It is not until the driver is almost at the top of the crest that he or she suddenly sees this 25 speed zone sticking up. It is very inappropriately signposted.

If there were proper public consultation on this issue, I believe that so many examples of this problem would be brought to our notice that the Government would have to start the process all over again. When I was briefed by the Minister and I asked why the schools, kindergartens and preschools were not using flags, she said that the schools indicated that they did not want to go through the process of putting out the flags and taking them away twice a day. I consider that that was a much better system than having a driver diving for his or her watch to work out whether or not the speed limit is in force. The decision of some schools is quite irresponsible.

I would prefer, given that we do not have pedestrian activated lights, that we went for the flashing lights. I have to declare what may be perceived as a conflict of interest at this point. My husband is currently employed by a company, Solaris Technology, which is in the process of developing solar-powered flashing lights for school crossings. My preference for having the flashing lights is outside of the work that my husband is doing. It is because I consider the situation that we have with these 25 km/h speed zone signs is very dangerous.

I indicate that the Democrats will support this legislation to remove any confusion about what applies inside and

outside the designated times on the signs, but I believe that in accepting the signs in the first place South Australia has gone for the lowest common denominator and that what we had before with either the red flags or flashing lights was a far better option.

The Minister indicated in her second reading speech that she had consulted the Pedestrian Facilities Review Committee. I did not know that such an organisation or committee existed and I do not think a lot of members of the public would have known it existed. If they had known, they would have wanted input on it. Quite frankly, I believe that, although the Democrats are willing to support the legislation to deal with this one aspect of confusion in the legislation, the Government should go back to the drawing board and conduct proper consultation to get the whole thing right.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contributions and their indications of support for this measure. I acknowledged in earlier briefings, but again acknowledge after hearing the contributions today, that this is the first of a number of steps that must be undertaken to remove the confusion. It did not set out to be confusing. Certainly, the people representing the schools, local government bodies, police, RAA, Government sector and myself set out in good faith to try to provide a greater degree of safety for school children.

Schools were advising me that they wanted a greater level of safety precaution. The department at that time (some three years ago) indicated that the schools did not meet the warrants which are the standards set for pedestrian activated lights, and they were the only lights or form of crossing that the department at that time was prepared to contemplate. That was not the case interstate, and I felt very strongly that, just because, I suspect, it involved a matter of cost with pedestrian activated lights, it was critical that we looked at a variety of initiatives to increase safety not only around our schools but also pedestrian safety generally. It was not just a matter of cost and, therefore, we had to move beyond the option of just a pedestrian activated light because so many of the schools were just not meeting the warrants.

I established this Pedestrian Advisory Facilities Committee, which in good faith came up with a proposal which I approved and which the department sought to implement working with schools and councils. I put on the record—and I will explore this further—that the examples given of the kindergarten and preschool at Millicent would suggest that because of definitions of 'school' in the Bill neither of the sites is probably one where the signs should have been placed either now or in the past.

I will look at that further because I understand that councils and schools have put in the 25 km/h signs where school signs were located in the past. There is no difference in terms of placement. In terms of installing the signs, many of them were behind bushes, trees and other obstructions and could not be easily observed to start with. That vegetation has been cleared in most instances. The size of the sign is standard in terms of hours stated, but I agree it is particularly difficult to see.

If members have received complaints about this matter, I assure them that I have probably received more. It was done in good faith and in consultation with the schools when they believed that the hours were necessary for enforcement of 25 km/h. Notwithstanding the fact that local councils installed signs where school zone signs had earlier been placed and notwithstanding the fact that it is all within Australian standards, I accept that it has been particularly confusing and has generated a lot of ill will when it was meant to be an advisory service to motorists and in the best interests of our schoolchildren. The committee is meeting. We have a number of options in terms of getting rid of this confusion.

One guarantee that I will certainly give to the Parliament is that the confusion will not be allowed to continue in the longer term because it was to get rid of the confusion, as the Hon. Sandra Kanck highlighted earlier, that we took the action in the first place. It was done in good faith, has not worked as well as we hoped and we are actively working through probably an issues paper to canvass some of the issues.

In terms of the flags that the Hon. Sandra Kanck mentioned, the schools clearly indicated to us that they were not keen on that responsibility and there were legal issues of liability. If on one day they did not put up the sign and a child was hurt, who was liable? That was taken on board, but it is time to rethink the issue and we will go back to the drawing board in terms of those schools and what our legal advice is.

We worked with the schools and others but we have a wider community to work with. We must do better. I thank honourable members for helping us with this first step in getting rid of some of the confusion on this matter.

Bill read a second time.

In Committee.

Clause 1.

The Hon. DIANA LAIDLAW: I failed to give an undertaking, but I will get back to the Hons. Caroline Pickles and Sandra Kanck on their questions of how much has been collected and information on fines generally. I will gain that information through the Commissioner of Police and the Minister for Justice. The police have alerted me to the fact that the Bill is before us because of the Crown Solicitor's advice, but I received later advice that the confusion I was told about was in the law and with the police and the general public. However, the police confirmed to me only recently that they have only enforced the speed of 25 km/h on school days during advertised hours. That was not the advice I was given earlier but the advice I have been given now. If that advice is correct we will find that there are no fines outside those advertised hours, but I will have to explore that further advice that I was given only this past week. Further, at any time in the advertised hours or outside them, because the legislation as it stands provides for the enforcement of the 25 km/h, the police could be doing it now.

So, for anybody who has been picked up I point out that it is absolutely legal. Therefore, there is no legal or moral responsibility to pay back anything. The fact that the police still can enforce the 25 km/h over a 24-hour period, although we are advertising only at a certain period of the day, is what we are trying to get rid of in terms of the confusion and the understanding of the legislation. I will need to provide members and the Parties with this further advice before the debate proceeds in the other place on Wednesday. I respect that, and I will move fast.

The Hon. T.G. ROBERTS: Would you make the same consideration for those schools that have been defined wrongly as schools?

The Hon. DIANA LAIDLAW: I will have to explore that further, because my advice is that 'school' is defined differently in the Road Traffic Act from a preschool and kindergarten. In those circumstances you would not anticipate that children would be there without being accompanied. The

speed zones are defined for schools because it is assumed that children would be unaccompanied and that therefore the lower speed limit applies. That is the rationale, but sometimes you do ponder about the rationale for some measures.

The Hon. T.G. ROBERTS: It has been raised with me that the deceleration from 60 km/h to 25 km/h in areas with which some people are not familiar can sometimes be sudden. If you have somebody behind you who is not familiar with the area in which they driving, in a lot of cases they do not see the signs and that move from 60 km/h to 25 km/h is quite dangerous. I wonder whether the distance that is required before the deceleration rates can be reconsidered?

The Hon. DIANA LAIDLAW: I think the honourable member has given a very good speech in favour of what I and the Government would like to see in terms of the establishment of a transport safe committee of this Parliament, because so many of these issues could be explored further by members of Parliament with their experiences in these matters and their wide community networks. I indicate in support of what the honourable member has said that I would not have liked to be behind the Hon. Sandra Kanck as she was travelling to Tailem Bend the other day.

Clause passed.

Remaining Clauses (2 to 5) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 7.9 p.m. the Council adjourned until Tuesday 9 December at 2.15 p.m.