LEGISLATIVE COUNCIL

Wednesday 27 October 1999

The PRESIDENT (Hon. J.C. Irwin) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Reports, 1998-99—
- The Code Registrar for the National Third Party Access Code for Natural Gas Pipeline Systems.
- Dairy Authority of South Australia.
- Primary Industries and Resources of South Australia.
- Report of the Technical Regulator—Electricity—Operations of the Electricity Act 1996.
- Report of the Technical Regulator—Gas—Operations of the Gas Act 1997.
- Soil Conservation Council.

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

- The Administration of the Development Act—Report to Parliament, 1998-99.

HOTELS NEAR SCHOOLS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: The government acknowledges concerns expressed by local residents regarding an application to the Marion council for a hotel in the neighbourhood centre zone directly adjacent to a school at Woodend. In the light of these concerns, it is also important to acknowledge that South Australia's planning legislation, the Development Act, is designed, among other things, to address all potential land use conflicts of this type. There are grounds, however, to strengthen centres' policies under the planning strategy—an issue I will address in a moment.

As background, I understand that the school, shopping centre and surrounding residences were originally developed as an integrated scheme by the Hickinbotham company. The shopping centre has been vacant for some time. I further understand that Hickinbotham has individually contacted residents over a very wide area, as far afield as Reynella, seeking support for the establishment of the hotel. This approach has clearly had an effect opposite to that intended by Hickinbotham.

The law in South Australia requires that the hotel application at Woodend must be considered under two separate processes: first, planning consent under the Development Act 1993 and, secondly, a liquor licence under the Liquor Licensing Act 1997. Both processes require careful assessment of the impacts of the hotel upon adjacent sensitive activities such as schools, houses and so on. Both processes require community input and give adjacent residents ample opportunity to have their concerns considered. If these impacts are not adequately addressed in the application, both processes can be expected to result in conditional approvals or refusals.

The state planning strategy envisages that hotels will generally be located within centre zones. However, the strategy also requires that local planning controls ensure that the impacts of development in centres (including hotels) upon adjacent residential areas are carefully managed. The current development plan for the Woodend neighbourhood centre (administered by council) is consistent with this position.

The hotel application at Woodend must be assessed by the Marion council against the current provisions of the development plan. The current zone policies clearly require that development in the centre should be of a type, size and nature required to meet the needs of the local population and should not negatively affect adjacent residences. Before determining the application, council must notify adjacent residents and consider their views. It can be anticipated that, if the application is at odds with the development plan, it will not be approved.

It is not possible to retrospectively change development plan policies. The current application must therefore be considered on its merits against the current plan. However, council's current planning policies and processes appear adequate to address the issues raised and residents are encouraged to make their views known to council. In the meantime, I acknowledge that feedback from residents, to date, has been useful in terms of finalising the government's centres policy.

In June this year I released a draft amendment to the planning strategy dealing specifically with centres (the 'Centres Policy') and sought community feedback. While all comments are still being processed by Planning SA, I confirm today that the final version of the centres policy will contain strengthened guidance to councils on the location and juxtaposition of activities within centres and possible impacts on adjacent development. This measure will provide councils with even further opportunities to address potential land use conflicts.

Today I have written directly to the council to convey my interest in the Woodend issue in the wider context of the state's centres policy as part of the planning strategy. In the context of this statement to the council today, I have not addressed legal and planning deficiencies in the private member's bill before the House of Assembly which seeks to address the hotel application at Woodend. I would say as an aside that, even if that legislation with all its deficiencies were passed, it could not apply retrospectively, in terms of consideration of the application, because the application must be considered within the provisions of the current plan.

Notwithstanding that issue—the legal and planning deficiencies in the bill—it is my view that such matters are more appropriately addressed in the Assembly when debate is resumed on the bill tomorrow. I do, however, acknowledge residents' concerns regarding Woodend and trust this statement clarifies the processes that must be pursued to ensure their concerns are heard and recognised.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the 4th report of the committee 1999-2000 and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay on the table the 5th report of the committee 1999-2000.

QUESTION TIME

RED LIGHT CAMERAS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport a question about red light cameras.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to weekend media reports suggesting that the number of red light cameras is due to increase, allowing the police to double the presence of cameras at intersections. I understand that some research in this area has demonstrated that the rate of repetition of speeding offences decreases when motorists attract demerit points compared with the payment of a fine, and it is therefore claimed to be a far more effective means of changing recalcitrant behaviour.

Presumably, the same would apply to red light camera offences. I also understand that the reason why a lot of people go through a red light is that they know there is a delay, so they have the time to shoot through. In some countries, especially in America, there is no delay and, presumably, there are fewer accidents and fewer recalcitrant drivers.

The Hon. Caroline Schaefer interjecting:

The Hon. CAROLYN PICKLES: There are fewer accidents.

The Hon. Caroline Schaefer: You are sure?

The Hon. CAROLYN PICKLES: Yes, and the minister might talk about something that she noted.

The Hon. Caroline Schaefer: It's not a dorothy dixer, then?

The Hon. CAROLYN PICKLES: No, it is not. If the government is serious about saving lives rather than merely raising revenue, does it intend to introduce demerit points for red light offences as a means of changing driver behaviour, and what is the anticipated revenue from fines for red light offences for 1999-2000?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The government has never approached road safety as a revenue raising measure to the exclusion of issues of saving lives. With road safety it is always a matter not only of saving lives but also of reducing the severity of injury. That, in fact, is one of the biggest issues for us to deal with at the present time. We are looking at the issue of red light cameras. The Adelaide City Council is also looking at this, and the police have indicated that they would be keen to see the installation of more cameras, although it is a budget issue for them.

I think that members who seem to be very anxious also to support the installation of more red light cameras will find that they are satisfied in the near future. In terms of demerit points for red light camera offences, my research reveals that such a move would certainly be much more popular than demerit points for speed camera offences in general. On that basis, I am prepared to consider it, and I have certainly been encouraged to do so by many members on my side.

For instance, the Hon. Carolyn Schaefer and I have discussed this issue because of the horror she has encountered, as others have, at this terrible intersection. The Hon. George Weatherill has also from time to time raised the issue of this North Terrace/King William Street intersection. But there are others that are dangerous, where people are certainly running red lights, so the installation of red light cameras is one issue. The application of demerit points is a matter on which I am obtaining further research, and I should be able to advise the honourable member in more detail in the very near future.

RAPID BAY JETTY

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Rapid Bay jetty.

Leave granted.

The Hon. P. HOLLOWAY: Around two years ago I was informed that Transport SA set aside $12.8 million to upgrade jetties for recreational fishing and other purposes. Of this amount, $880 000 was set aside for the Rapid Bay jetty. I am told that, as of May 1999, Yankalilla council had not taken up this project, yet the money was still available. However, I understand that, after this year's budget, the money is no longer there. I also add that the Rapid Bay jetty is one of the most popular fishing jetties in this state, if not the most popular jetty. My questions to the Minister for Transport are:

1. Is the sum of $880 000 no longer available for the upgrade of the Rapid Bay jetty and, if so, why, and where else has this money been allocated?

2. Why was more not done to encourage the Yankalilla council to take up this money, given that the Rapid Bay jetty is considered the most important recreational fishing jetty in South Australia?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): To my knowledge, the honourable member has been misinformed. The government has provided $12.8 million over three financial years, which includes this financial year, for the upgrade of recreational jetties across the state to a higher standard.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: My understanding is that the money has been provided over a three year period. Certainly, we have spent a lot of it, and I will provide honourable members with the figure set aside for the upgrading of jetties in country areas; and I will also determine whether we have signed off and sealed agreements in terms of Eyre and Yorke Peninsulas, the South-East and the Fleurieu Peninsula. As I recall, we have not had success in reaching agreement with metropolitan councils, and there are a couple of outstanding agreements to reach with country councils, and one is the Rapid Bay jetty. The Yankalilla council—and I will not go into the background or convey my thoughts on this openly—did reject any interest in longer term ownership of this jetty.

Transport SA has proposed that part of the jetty be removed, and that some of the dolphins be taken out. If honourable members have visited the site, they would know that the end of the jetty is highly dangerous and for some years, for public liability purposes, some lengths of the end of the jetty have been fenced off, and people are discouraged from using it. Some private sector interest has been expressed in the jetty as part of a wider development scheme at Rapid Bay embracing the caravan park and the foreshore area. I gave those private sector interests several months to put in their proposals. I gave them until the end of August or September. There are some final things to be addressed, and they will advise me by the end of this month whether they wish to proceed with a private sector consortium which has been difficult to negotiate because of Adelaide Brighton

Cement's interests and private ownership, as well as council interests in the area.

I have been prepared, as a result of some grander plans that have been talked about for development for tourism in the Rapid Bay area, to extend until the end of this month that private sector interest. If that private sector interest comes to nothing, it would be my view that we will have to remove part of the jetty. I can also say, quite frankly, that, to my knowledge, the money that would be needed for the upgrade of the rest of the jetty has not been removed from the budget for application to the jetty. It was always my understanding that, if we proceeded with the private sector ownership option, some state government funds would be provided to upgrade the jetty to the standard that we are seeking across the country in metropolitan areas.

That is why I do believe very strongly, in terms of my negotiations, that I have never said that the money is not available. I will check it out in terms of Transport SA, but I would certainly override it if that is what it has done.

The Hon. P. HOLLOWAY: As a supplementary question, given the minister's answer that there may be a private sector option, will she guarantee that, under that option, public access to the jetty will continue?

The Hon. DIANA LAIDLAW: Without question. Any suggestion otherwise is just scaremongering. When I spoke about the private sector option, I made my remarks in the context of tourism development in the area, upgrading the caravan park and looking at the foreshore. Why would you want to impede people from using the jetty and the assets once you have just renovated them by imposing a charge? It is just a nonsensical suggestion. The government would not entertain it and to suggest otherwise is scaremongering.

GOVERNMENT RADIO NETWORK

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question about the new VH radio network.

Leave granted.

The Hon. T.G. ROBERTS: Recently, the minister attended a meeting in Mount Gambier which, I understand, was well attended and very vocal. The minister made a statement about the new UHF system that the government intends to use and he fielded a list of questions from the floor. I was unable to attend the meeting but it was reported to me that the minister answered the questions in a very professional way but still left seeds of doubt in relation to people's understanding of how the new system would fit not into the South Australian networking system but into the Victorian system.

People were also left wondering whether there would be cooperation between Victoria and South Australia in terms of being able to use the same network, particularly as the forests and plantations traverse both sides of the border; and that is where the system would come into play in dealing with bushfires that burn on both sides and across the border. My questions to the minister are:

1. What network preference has the Victorian government indicated, given that we are going with a UHF system?

2. What discussions have taken place with his ministerial counterparts in Victoria to try to get an integrated network, given that the minister has given permission to run a UHF system parallel to a VH system until the year 2002?

3. Will there be integration time frames agreed to by the western districts of Victoria and the South-East of South Australia in relation to the stakeholders using one network?

The Hon. R.D. LAWSON (Minister for Disability Services): It is true that I attended a public meeting held recently in Mount Gambier to give members of the Country Fire Service and other interested persons an opportunity to receive information and ask questions about the technical capabilities of the government radio network, the construction of which commenced this year. At the moment the network is being rolled out in Business Region 1 (as it is defined), which is the Adelaide metropolitan area, the Adelaide Hills and Fleurieu Peninsula. It is not envisaged that the network will be rolled into the south-eastern region until, I think, the beginning of 2002.

However, reservations have been expressed and questions asked by people in the South-East. In particular, the Country Fire Service in the South-East has used a very high frequency (VHF) radio network for some time; and the Victorian Country Fire Service and emergency services also use a VHF network. One of the areas of concern was the compatibility between the Victorian and South Australian networks.

The proposal to date, which has been discussed with the Country Fire Service, and not only with the headquarters of the Country Fire Service but also with those responsible in the South-East, has addressed this issue of compatibility, and it is proposed that certainly in the initial stages units will be equipped with not only the UHF receivers and transmitters to enable units to connect with the South Australian network but also they will retain their VHF units in trucks, for example, for those occasions when it is necessary for them to communicate with their Victorian counterparts.

A decision had to be made in relation to what part of the radio spectrum the South Australian government radio network would use. The advice given to the South Australian government by all independent experts was that we should operate in the UHF spectrum. The Commonwealth authorities responsible for allocating spectrum have allocated bands within the UHF for emergency services, and emergency services will only be secondary users in the VHF band where they are presently operating. That means that emergency services do not have exclusive use of a spectrum which is already heavily overcrowded, and that does make radio transmission difficult.

The New South Wales Government has also introduced a new government radio network, and like South Australia it has embraced the UHF spectrum. The Victorian government rolled out a network some years ago, I am advised, and it is true that that network is in the VHF spectrum. I am also advised that the Victorian government is now looking to revise its network, and it is looking to those arrangements. That is not surprising given that the VHF for emergency services will only be a secondary user. It is quite possible that the Victorian government will adopt the UHF spectrum. Our advice is that, if it follows the latest technology and the most appropriate technology, it will.

It has been suggested that because we have an interface with Victoria we should have adopted the same spectrum as Victoria. I do not accept that. Victoria's specification was drawn up some years ago, and its network is currently under review. If we had gone down the route of seeking to be compatible with old technology, we could have found ourselves in a position where the Victorians very quickly would be moving to some other technology. I think we took entirely the right decision. The honourable member in his

questions asked what indications of preference Victoria has given—

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: As to the spectrum. I am advised that—

Members interjecting:

The Hon. R.D. LAWSON: —the Victorian government has yet to make a decision about the particular spectrum and the type of radio it will adopt.

An honourable member interjecting:

The Hon. R.D. LAWSON: It is quite possible that they will. If they retain independent experts, it is likely they will adopt the same technology that we have adopted. I personally have not had discussions with my Victorian counterpart regarding this. The design of the South Australian network is presently being undertaken. The specification for it was developed some years ago. There would be no advantage from our point of view in seeking to, as it were, take information from the Victorian network. However, because it is desirable that Victoria should use the same spectrum as we are using I will certainly take up the honourable member's suggestion and suggest to the Victorian authorities that they closely examine the solution which we have developed.

Members interjecting:

The PRESIDENT: Order! Try to let the minister finish his answer.

The Hon. R.D. LAWSON: I can assure the honourable member that integration time frames will be closely examined. If there is any part of his question that I have left unanswered I will bring back a further reply in due course.

ELECTRICITY SUPPLY

The Hon. CAROLINE SCHAEFER: I seek leave to make a very brief explanation before asking the Treasurer a question about electricity provision in rural South Australia.

Leave granted.

The Hon. CAROLINE SCHAEFER: On the 11th of this month the new regulatory framework for South Australian electricity commenced. Can the minister again outline to me the benefits for country customers provided by the electricity pricing audit and the various industry codes? In particular, can he assure me that domestic tariffs service and consumer protection will not be detrimentally affected by the new laws?

The PRESIDENT: Order! There is too much discussion in the chamber.

The Hon. R.I. LUCAS: I thank the honourable member for her question, and I acknowledge that what I think is a very positive regulatory framework and service standard framework is due in no small part to the activities of the honourable member, and other members representing rural and regional South Australia within the government party room who have been very active over the past 12 months or so in trying to ensure that we do all that we can as we move into this new national electricity market to protect service quality and standards for South Australian consumers, in particular in rural and regional areas as well.

I think the first thing to acknowledge is that, in constructing the South Australian model, we had a close look at all the models that existed elsewhere, and in particular in Victoria, and we believe that we have made improvements on the model that exists in Victoria, in the interests of rural consumers. For the benefit of members, in Victoria the whole of the state is divided into five distribution areas, and in South Australia the recommendation was put to the government that we divide the state into two or three areas.

We took a conscious policy decision—which we have continued to discuss with the ACCC, and other national bodies that have wondered about the government's policy decision—to have one distribution area in South Australia, the whole of the state. One of the key reasons for doing so was to allow the government and to allow the state of South Australia to postage stamp distribution charges between city and country consumers. It is something which is not possible in Victoria. Two of the distribution areas in Victoria are solely rural. They have no metropolitan asset base at all. They are not able to postage stamp those costs and protect rural consumers.

It is an important decision, one which ought not be forgotten because, as I said, the ACCC and other bodies have continued to raise this issue with the government. We have indicated that we are not to be deterred, and we will not be deterred in relation to the policy decision that we have taken in the interests of rural and regional South Australia—and, I might say, a decision that we took in the first part of last year, 1998, lest anyone seek to make cheap political capital out of the recent Victorian election result.

The second issue is that, as a result of that, the government is committed to no increase above the CPI for household customers through to the start of 2003. That has now been locked into the electricity pricing order and no-one can make any changes to it. We have also committed additional funds out of the lease proceeds to go towards ensuring that the price differential between households in the country and households in the city can be no greater than 1.7 per cent. In most cases, as we indicated when this bill was debated, we believe that the charges for household customers will be virtually the same, but the maximum differential will be up to 1.7 per cent.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, from then onwards. I am indebted to the honourable member for asking the question, because the Hon. Mr Holloway still cannot understand. Until 2002 they will be exactly the same. We are now talking about post 2003 and the government has locked in a provision to protect country consumers of electricity and households—something which was not done by the Victorian government in terms of its structuring of its electricity industry. We have locked in those benefits for country consumers.

The government also has written into the legislation that those consumers in rural and regional South Australia currently on the system and being serviced by the existing electricity businesses cannot be taken off the system by new operators on the basis that they might make a determination that it was uneconomic to continue to maintain particular customers who are currently on the system in South Australia.

The third broad area in terms of protections that the government has put into the legislation, the licences and codes, is something which does relate to all consumers but it is an important issue for rural and regional consumers as well. We are indebted to Mr Mitch Williams in the lower house, working with the Farmers Federation and with the support of the government, for this amendment in the lower house, which is a broad provision and the government—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Roberts is a little critical of Mr Mitch Williams. The government acknowledges the work he undertook with the Farmers Federation and the government on this particular provision, which does assist

and will assist all consumers, not just country consumers. That provision requires protection of the existing level of service standards within ETSA. Obviously, the government would hope that we can not only maintain service standards but also in some areas improve them.

The codes include for the first time provisions that require specific service levels in areas such as the time it takes for companies to respond to inquiries and complaints; how long it takes for new customers to be connected; the way in which consumers are billed for their electricity and payment methods available to them; the conditions under which companies are permitted to request security deposits from customers; the conditions under which companies are permitted to disconnect customers and subsequent reconnection times; the way in which electricity usage is metered; and the procedures to be followed when it is necessary to install extra equipment in order to meet electricity demand.

There are specific requirements in the legislation with which the new operators of the electricity businesses will need to comply in terms of total outage times, which again will be an important issue for consumers on the west coast (which I am sure is an issue of some importance to the honourable member), but indeed this provision will apply to all consumers and, for the first time, operators will have standards under which they will have to operate.

Finally—and again this is different from the Victorian scheme—we have included in the South Australian scheme a performance incentive arrangement which, on the one hand, will include a financial penalty if the new operators of the system do not meet service standards and, on the other hand, will provide a financial incentive if they comply with the required service standards. Certainly this is a new innovation which is being watched with great interest by the ACCC and other national regulatory authorities, and it is the government's view—I will not put the words in the mouth of other organisations—that it is likely we might see variations of the South Australian government scheme in the not too distant future being taken up by regulatory regimes in other states.

In concluding, the government has a most positive regulatory framework, protection of service standards and protection of price to the degree that it is humanly possible for a government to do so within the construct of a national electricity market for rural and regional consumers; and certainly the Hon. Caroline Schaefer, myself, and indeed all other members with a genuine interest in regional and rural South Australia, can proudly indicate to regional and rural consumers that their interests are being looked after to the degree that that is possible in the new national electricity market.

AQUACULTURE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Deputy Premier and Minister for Primary Industries, Natural Resources and Regional Development, a question relating to aquaculture and, in particular, the aquaculture integrated management committee.

Leave granted.

The Hon. IAN GILFILLAN: I have with me a copy of a letter written by the chairman of the aquaculture integrated management committee, Mr Malcolm Hill, to the Minister for Primary Industries, Natural Resources and Regional Development dated Tuesday 26 October, and its subject is 'Re: Developments in aquaculture'. Obviously, it is not my intention to refer to the whole letter, but I have the text with me. I will refer to extracts from it which I believe are of particular interest to this chamber and the public generally in South Australia as the most severe indictment of aquaculture management yet to come under public scrutiny. In part, the letter states:

> Because of the uncertainty created by the timing of the proposed regulations, the IMC—

that is the acronym for this committee—

> has the view that it has been hampered in its ability to advise on strategic directions, to the extent that many on the committee doubt the value of continuing with the current arrangements at all.

Under the heading 'Review of the farmed seafood initiative' it states:

> Site identification
> General
> The officer responsible for this gave a very good breakdown of his activities to date. . . It is therefore a little amazing to be told that the resources available for the government to undertake this task (and only government can do so) amounts to 0.1 of his time, and in the future will have 0.65 of one new FTE.
>
> Related to the size of the overall task, and its importance to whole industry and all other stakeholders, then the resources being applied are ridiculous. . . In brief Minister, we are heartened by the fact that some progress has been made, but completely dismayed by the absence of a real commitment to producing the volume of outcomes required.

Under the heading 'Industry development' it states:

> Again the IMC was dismayed to learn that the resources being applied were inadequate and that the previous officer had only served in the position for six months. The position is still vacant and little has been achieved, and little will have been achieved by the time the FSDI runs out, in June 2000. This means that for a function that was identified as requiring several person years of effort to produce outcomes, it looks like very little will be done at all, by the end date.

Further, under the heading 'Technology exchange' the letter states:

> . . . tuna/finfish, shellfish, and freshwater fish. In each case very professional and competent presentations were given by the client managers that greatly impressed the committee. . . However it was of great concern to learn that because of uncertainties over continuity of funding these excellent people may have to begin seeking other work before the end of the initiative.

Under the heading 'Fish health' it states:

> The previous occupant of this function was a man of outstanding ability and knowledge and it is a loss to us all that he chose to leave. . . It is a pity that more was not done to retain the previous incumbent.
>
> Again, minister, we have a key element of aquaculture development in this state that is not being performed adequately by the government agency responsible. . .
>
> Industry quality. The officer assigned to this task has been making a good fist of what could be another frustrating activity. The frustration seems to arise from both industry and governments (state and federal) not wanting to put the proper effort into this function. . .
>
> Summary of FSDI. We are concerned at the lack of real progress and the poor overall value for money. The question has to be asked: where has the money gone? Is it still available or has the unused component, if any, been applied to other things. . .
>
> Policy issues. . . There is a clear and practical difficulty with the management of the so-called Aquaculture Unit. . . After an almost complete turnover of staff the unit is now far less capable of delivering on the FSDI and providing the day to day leadership this industry is crying out for. . . The current arrangements are expensive, poorly managed and ineffective.
>
> The proposed Fisheries Management Authority is viewed with some alarm. . . The linking of the progress towards an FMA to the review of the Fisheries Act is not a sensible way to go. One has only to look at the harm caused by the interregnum over the changes to the regulations to logically deduce that what is now proposed is a recipe for more delay, confusion over roles, lack of focus and direction, and a waste of money. . . It is this persistent lack of identity

and focus and inability to get on with the issues that affect it that leads to the perception that the government is not serious.

My questions are:

1. Does the minister agree that these observations are a most damning indictment and evidence of atrocious mismanagement of his ministerial responsibility? If not, why not?

2. What steps will he take to immediately address the matters raised in the letter?

3. After the regulations were disallowed, with cooperative initiatives from both the Democrats and the ALP, a meeting was held on 23 June with the minister to discuss aquaculture, and he gave an undertaking at that meeting to keep us informed and to convene further meetings. There has not been a word heard by anyone attending—

The Hon. M.J. Elliott: Did you make the mistake of believing government members?

The Hon. IAN GILFILLAN: Yes, I do stand guilty of—

The PRESIDENT: Order! Will the honourable member bring his question to a conclusion?

The Hon. IAN GILFILLAN: I will, sir. I must say that I am much more parsimonious with time than the Minister's answers—

Members interjecting:

The PRESIDENT: Order! Let the honourable member finish, please.

The Hon. IAN GILFILLAN: My final question is:

4. Why has the minister not cooperated with the Democrats and the ALP on our offer of a tripartisan effort to develop suitable aquaculture regulations?

The PRESIDENT: Order! I must say that the explanation was littered with opinions.

The Hon. Ian Gilfillan: They were direct quotes from the letter.

The PRESIDENT: Order! I am saying that it is clearly out of order for explanations to have opinions or debate in them, and I have pointed that out quite often.

The Hon. K.T. GRIFFIN (Attorney-General): With respect, I agree: there was a significant amount of comment and opinion in that question. Far from the Hon. Ian Gilfillan being parsimonious with his explanation, I watched the clock and it took about six minutes.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Roberts!

The Hon. K.T. GRIFFIN: I was wrong: six minutes 50 seconds, according to the Hon. Mr Cameron.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron!

The Hon. K.T. GRIFFIN: So much of the explanation is refuted that it might take more than six minutes to respond. I will obtain a reply and bring back an answer.

EMERGENCY SERVICES LEVY

In reply to **Hon. T.G. CAMERON** (3 August).

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has been advised of the following response:

Regulations to the Emergency Services Funding Act 1998 will allow a remission from the Emergency Services Levy to historic vehicle owners (Premium Class Code 19 and 69), so as to reduce the actual levy amount payable to $8 per annum. It is intended that these regulations will apply retrospectively from the 1 July 1999. Once these regulations become operational an ex gratia payment will be made to all individuals who have paid the levy prior to that date. This payment being the difference between the amount paid ($32 or $12) and the new amount payable of $8 per annum.

PRISONS, NURSES

In reply to **Hon. T. CROTHERS** (27 July).

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has been advised by the Department for Correctional Services that South Australian Forensic Health Services are currently only resourced to provide 24 hour medical care to the Adelaide Remand Centre and Yatala Labour Prison.

These facilities have inpatient services and operate as convalescent units. As a result of the recommendation of the Coroner emanating from the recent inquiry, SAFHS is exploring the efficacy of the provision of 24 hour services at other locations.

Protocols and procedures are in place in all country prison locations with local health and medical providers for out of hours medical emergencies.

TRANSPORT, PUBLIC

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about public transport services.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that today is national public transport day.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: It is, therefore, relevant to mention an issue that was raised with me by a fellow passenger during my most recent journey on the Gawler central train line. A passenger asked me when the government will provide more train and bus services that are timed to take account of the shop closing hours in the city. At present, some of the trains and buses to all suburban and periurban areas covered by these services depart the city either five minutes before or after the closing of shops. This situation presents real difficulties for shop employees and for shoppers themselves and results in long periods of waiting for the next scheduled service. Will the minister advise what action the government intends to take to rectify this situation?

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The honourable member has been raising this issue with me for some time, and I thank him for the feedback. I acknowledge that the Hon. Terry Cameron has raised questions on the same issue in this place before and I certainly get plenty of letters on the matter. I recall that, when last addressing the issue in this place, I indicated that I anticipated we would be able to address improved services in the context of the awarding of the contracts for the bus tenders, because we envisaged that contractors would be quite innovative in terms of new arrangements for service delivery, and any extra services, of course, would cost money.

However, notwithstanding that early advice to this place, I have some good news today. Some extra bus and rail services are to be provided and there will be changes to timetables. All this will apply from Sunday 14 November. In terms of taxpayers' dollars, the cost overall is $18 841 for the additional bus service, which will involve bus 182 leaving at 5.15 from the city on a Sunday, and it will cost an extra $54 592 in terms of the extra rail services.

Perhaps I can address the rail services first and just briefly advise that, on the Belair line, an extra service will be provided on both Saturday and Sunday departing the city at 5.35 express to Goodwood station, and then all stops after that to Belair. In terms of the Gawler line, the one referred to by the honourable member, there will be an extra single car

service departing at 5.30 express to Ovingham station, and then all stops to Gawler. The extra Noarlunga line service, also departing at 5.30, will be an all-stops service.

On 10 services there will be a time adjustment so that the service departs at 5.15 or 5.12 from the city rather than just before 5 o'clock, which has been a nonsensical arrangement for far too long.

I am pleased with the representations we have received. As a result of members of parliament raising the issue, some lateral thinking within TransAdelaide and Serco and pushed by the Passenger Transport Board and myself these new arrangements can be accommodated. There is an extra cost but we have found the money. The extra services plus the timetables, which will see the buses leaving at either 12 or 15 past 5 o'clock and, in some instances, after 7 p.m. and 9 p.m., will mean that more people will be comfortable working later in the city and more people will be able to come into the city to shop rather than finding that there is just no way to return home at a convenient time, or that they must hang around the city for longer than they would wish because we were not coordinating our services with shop closing times.

The Hon. T.G. CAMERON: As a supplementary question: could the minister please supply a written precise of all the additional services that are being provided? I would like to post it to our members.

The Hon. DIANA LAIDLAW: Yes, I can do that. I am not so organised today as I have a press release and different things ready. However, I must do that and I will certainly ensure that the honourable member—

The Hon. A.J. Redford: You could give us a list and we could get it out much quicker, Terry.

The Hon. DIANA LAIDLAW: Quicker than me?

The Hon. A.J. Redford: Yes.

The PRESIDENT: Order! I ask the minister to address the chair.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Yes, I just have to get myself organised—

The Hon. A.J. Redford interjecting:

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

The Hon. DIANA LAIDLAW: —and I promise that I will within the next 20 minutes.

ADVERTISING SIGNS

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport a question about advertising signs.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: My office has received complaints from motorists who have been distracted by the placement of a series of prominently placed signs along various roads warning of the need to stop because of some imminent danger. The signs, which read 'Warning, danger ahead', and so on, are designed to mimic stop signs. Whilst these signs are just another indication of the desperation on the part of monarchists, there is a more serious issue in that they are distracting to motorists and could irresponsibly create a traffic hazard. I therefore ask the minister:

1. In view of the potential hazard to motorists, are the signs an offence under the Road Traffic Act?

2. Will the minister consult with her ministerial colleagues as to who gave approval for the installation of these signs, given that they are placed on public roadways?

3. Will the minister have the signs removed immediately?

The Hon. T. Crothers: Long live the queen!

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have been provided with advice on this issue. I was first alerted to the issue by people calling talk-back radio on the Leon Byner show when I was there to answer questions. People rang in about this matter a couple of weeks ago. I was able to get immediate advice from the Treasurer's office that approval was given for use of the ETSA stobie poles by both the 'Yes' and 'No' campaign teams. My understanding is that both teams are using them. That is one issue. That approval does not require ETSA or the Treasurer to view the signs before giving approval: it is simply approval to use the stobie poles.

That approval was given, just as during election campaigns the Treasurer or ETSA do not vet all political parties and their campaign signs. What I would say in terms of the use of the traffic symbols by the 'No' campaign—and I would agree that it is a desperate campaign, whether or not they are using these signs—is that I did seek immediate advice from Transport SA, the Road Safety Section and the Traffic Sign Section. Representatives from those groups went out and looked at the signs because I wondered whether they were a road safety hazard and therefore should be removed on that ground.

My advice is that road safety concerns were expressed, but the public has taken down the 'No' signs so quickly in the northern and southern suburbs where they were first identified to me that it was not considered necessary by Transport SA to generate more publicity for the monarchists by forcefully requiring the removal of these signs. That was my opinion, too—that, if we issued an order to the monarchists to remove them for road safety purposes, they would generate a huge amount of 'more victim' publicity and all the rest, and they probably would go around putting up more signs simply to make sure there were fights about taking—

The Hon. T.G. Cameron: And you weren't going to let them do that, were you?

The Hon. DIANA LAIDLAW: No. I saw no advantage in that when I knew that others were taking them down quickly.

FILM INDUSTRY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation—and I use the word 'brief' consistent with its dictionary definition—before asking the Minister for the Arts questions regarding the South Australian film industry.

Leave granted.

The Hon. T.G. CAMERON: Arts journalist Tim Lloyd recently wrote the following in the *Advertiser*—and I am sure the minister will enjoy this question—

The Hon. Diana Laidlaw: I don't know why.

The Hon. T.G. CAMERON: Well, you always enjoy my arts questions. He wrote:

> The Year 2000 is shaping up as a watershed for the South Australian film industry.

Members interjecting:

The Hon. T.G. CAMERON: Fourth, actually. It continues:

> It has been a massive economic boon for the state, pulling in a total of nearly $100 million of investment on the back of just $6 million of state government funds over five years. . . But instead of basking in self-congratulation, the local industry is now facing an entirely new set of problems. . . Yawning gaps have opened among the states' funding for films, and South Australia, the state that kicked off Australia's film industry revival in the 1970s, is trailing the field.

A recent comparison of funding by state film bodies highlights the problem. In funding terms, the SA Film Corporation runs last, by a considerable margin. Its total annual assistance for filmmaking is a paltry $1.9 million, compared with almost $7 million in Victoria, $6 million in Western Australia, $4.5 million in Queensland and $3.65 million in New South Wales.

In addition, revolving loan facilities—where state governments cashflow film projects against completion guarantees—are very much larger in other states. While South Australia has a permanent pool of $3 million, Queensland has a $45 million revolving loan facility, Victoria has $10 million and New South Wales has $5 million. I am informed that the minister has recently undertaken an industry development strategy for the SA film industry and that the report has been completed. My questions are:

1. What essential recommendations were contained in the recent industry development report, and when will it be publicly released?

2. Considering the state government's propensity for bringing South Australia's funding into line with the national average in many other areas, and considering the $60 million economic benefit the film industry brings to South Australia, will the government now move to increase the level of funding assistance for filmmaking in this state to something like the national average?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for his question, although it is without notice. The issues that he addressed and were addressed by Mr Tim Lloyd of the *Advertiser* are ones that I have been addressing with Arts SA and the film industry at large for some time now. Earlier this year an economic impact study was prepared for the industry and, following that, because the results were so good, I asked for an industry development plan to be prepared, and I intend to take that to cabinet.

While the honourable member might have heard that the plan was completed, I was told this morning that I would receive it to read this Friday. I do not know what the recommendations are. I did ask to meet with the consultants as part of the preparation of that plan, and I had plenty to say about how I would like to see Adelaide become a base for independent filmmaking Australia-wide, how I would like to see stronger links with university and school-based training and with the public and private sector video and film industry, how I would like to see the relationships with the Media Resource Centre, and the multimedia opportunities for the future.

I think it is very interesting to look at the film industry and the money that Victoria, Queensland and New South Wales have been throwing at the industry. The directors and the producers are finding what is happening quite offensive, particularly in New South Wales, with the big American companies that are coming in. They are bringing in American product which has nothing to do with the growth of Australian culture, identity and pride and which does not build on the strength that we have built on as independent filmmakers over many years.

That is the reason why Australian films have been celebrated worldwide. That is not what is happening with the money that has been thrown into New South Wales, Victoria and Warner Studios in Queensland. That money is certainly of enormous benefit for the technicians and the crews. They are getting paid handsomely now, and I think one of the biggest dangers for South Australia is that we lose great crews, which has been such a basis for attracting directors and producers here. So the money that is being thrown in is attracting the crews but it is being resisted by many people who have been the reason why Australian films are celebrated, and that is the independent filmmakers.

So the challenge for us, if we are to establish an independent filmmaking industry in South Australia, for Australian filmmaking, is big, and that is why in addition to the economic benefits study I wanted an industry development plan. Cabinet is aware that this plan will come to it at some stage. It will have to be addressed in the budget context. I would say that cabinet and government, as would all members of parliament, recognise the investments that government has made and that, as they have been applied by the South Australian Film Corporation, the result has just been remarkable in terms of the number of projects and the worldwide acclaim, critical and audience participation, that they have received. Just look at *Savage Land*—seven AFI awards, and *Siam Sunset*. We have been producing five or seven films in South Australia each year, independent productions, and almost all of them have won Australian and international acclaim. It is a phenomenal record. We now have to look at how we build strategically—I hate the word, but it is true—on that to get the best advantage for independent filmmaking in Australia, based in South Australia.

EMERGENCY SERVICES LEVY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about the emergency services levy.

Leave granted.

The Hon. J.F. STEFANI: The government recently announced a reduction in the emergency services levy to be charged on properties. Previously, by amendments to the legislation, the government had also reduced the levy charge on heritage vehicles, from $32 to $8. Since 1 July 1999 many owners of heritage vehicles have registered their cars and have been required to pay the emergency services levy at the full rate of $32. Similarly, thousands of property owners have sold their properties and the new owners have paid the emergency services levy based on the original formula, effectively paying much more than is now being proposed by the government.

In an answer to a question that I asked on 28 September 1999, I have been advised that Revenue SA is currently examining a process to facilitate the refund of overpayments to approximately 8 000 property owners. Through my inquiries with the emergency services levy hotline I have not been able to ascertain when the refunds will be processed. A constituent representing the interests of heritage vehicle owners has also contacted my office to seek information about the refund of overpayment of registration of heritage vehicles. I understand that the regulations are due to be

gazetted this week to enable the overpayment of $24 to be refunded to all heritage vehicle owners who renewed their registration from the beginning of July to approximately mid August. My questions are:

1. Can the minister advise an accurate date when the government will process the cheques to refund overpayments to owners of heritage vehicles?

2. Can the minister also advise an accurate date when the government will process the cheques to refund overpayments to owners of properties purchased from 1 July 1999 until the announcement of the reduction of the emergency services levy?

3. Given the negative answer that I have received, will the minister provide me with an explanation as to why in the interests of fairness and justice he will not use his discretionary powers as provided in the regulation to also remit the accrued interest at the rate of 4.8 per cent as stipulated in the regulation on all overpayments received by the government?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer those questions to my colleague in another place and bring back a reply.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 26 October. Page 221.)

The Hon. R.I. LUCAS (Treasurer): I thank members for their contributions to the Address in Reply debate. I also join with other members in acknowledging the fine work of His Excellency, Sir Eric Neal, and Lady Neal. All members in their contribution acknowledged the fine work of His Excellency and Lady Neal, and I place on the record my acknowledgment as well of the record of service they have provided, and I know they will continue to provide, to South Australia.

One of the dilemmas in replying just before we go over to Government House is that time really does not permit me to respond to all the issues raised by members during their contribution to the Address in Reply. I have some 15 minutes or so, and I will need to make some particular comments about individual contributions made by some members. The Hon. Ron Roberts in his contribution made some statements which I think do bear some correcting, just in case people are encouraged to believe that they are true. In his contribution the honourable member made a number of claims that, when the government has said there has been an increase in health funding, that contradicted what the Minister for Human Services has said.

The Hon. Mr Roberts has not understood what both the government through me and the minister for health have said in relation to the human services budget. The minister for health has acknowledged that there has been an increase in budgeted income or appropriation going to health and human services in this financial year compared with last year. At the same time, he has acknowledged that there has to be a reduction in the level of service that was provided last year, and the figure of $46 million has been mentioned by the minister on a number of occasions.

Perhaps to the uninitiated—and also to the Hon. Mr Ron Roberts—it is a bit hard to understand how both those statements can be accurate. The simple explanation is that the Hon. Mr Ron Roberts, for example, may well have a bank balance from the winnings of Maximum Mayhem and other investments in which he has engaged over recent times.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Yes, Maximum Mayhem, and I understand that there is some special political significance in that name, in that it shows his love and affection for his parliamentary leader in another place. The Hon. Mr Ron Roberts would have his bank balance, his savings and his annual income. The health budget is no different. Last year the health portfolio spent its annual income (its annual salary) and then spent all or most of its savings in delivering a service. When it came to this year its income (the budget appropriation) was increased, but it had no savings left to sustain the same level of service. When one looks at the level of service it provided in 1998-99, it had to be reduced significantly by the extent of the cash reserves (or the savings bank reserves) that it used during last year. Rather than using difficult words such as 'accounting' and 'budgets' which the Hon. Mr Ron Roberts has difficulty in understanding—

The Hon. Caroline Schaefer: Sums.

The Hon. R.I. LUCAS: Yes, difficult words such as that. I hope I have explained it to him and that he will not make the same errors again in relation to statements that the government has been making. There is nothing inconsistent in the statements made by the minister for health and me as Treasurer and other statements made by the Premier.

The Hon. Mr Holloway's contribution, like a number of Labor Party members, canvassed a variety of issues. Again, I will respond to a number of issues raised by Labor members and indicate that a number of initiatives, as I highlighted to the Hon. Caroline Schaefer in question time today, have been pre-eminent in the South Australian government's thinking not in the past month but for all of its second term, since the start of 1998. As I indicated in relation to electricity, we took those decisions in the first six months of 1998—well prior to the Victorian state election and well prior to anyone even contemplating that Jeffrey Kennett would not be a permanent feature on the Victorian political horizon for many years to come. They are genuine indications of a government—

The Hon. T.G. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am not sure where the Hon. Terry Roberts is at the moment, but he is obviously lost in a political wilderness somewhere; he is caught mid faction somewhere, I suspect.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Yes, preselection is coming up and he needs that preselection. He will have my support: he is now a family man with mouths to feed—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Well, he will go a long way with the Hon. Terry Cameron's and the Hon. Rob Lucas's support—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: And the Hon. Trevor Crothers.

The Hon. Caroline Schaefer: And me.

The Hon. R.I. LUCAS: Yes, along with the Hon. Ms Caroline Schaefer. In fact, he has great cross-factional support.

The Hon. T.G. Roberts: It's a pity you can't vote!

The Hon. R.I. LUCAS: He has mouths to feed, so we will be right behind him. I do want to nail that suggestion by Labor members in this chamber and elsewhere that in some

way this government has discovered rural and regional South Australia only in the past month. The government and the cabinet through the Premier have been undertaking a series of very successful community cabinet visits to rural and regional South Australia—and that started earlier this year.

The Hon. T.G. Cameron: I liked the one you had in the Riverland.

The Hon. R.I. LUCAS: It was very successful, yes. We were not able to fit as many people into the evening venue as we did in the Barossa; almost 200 people attended that dinner.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Not at the meetings I attended.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Not at the meeting I attended; it was a very good response and, indeed, very positive. But, it is an endeavour by the Labor Party—and I can understand why—to try to disconnect the Liberal Government from its rural constituency, and I can assure members opposite that the Premier, this government and its members, such as the Hon. Mr Dawkins, the Hon. Caroline Schaefer and the Hon. Mr Redford in this chamber will be working assiduously to ensure that the Labor Party does not have its political way with our constituents in rural and regional South Australia.

The Hon. Mr Holloway referred to a number of issues, as I said. He again revisited Pelican Point and interconnectors, as did the Hon. Mr Xenophon. I guess this is his token Nick Xenophon contribution in that he supports the Hon. Mr Xenophon's position in relation to Pelican Point and interconnectors. He again makes this claim—often disproved, but nevertheless he continues to make it—that the government has structured its electricity industry to receive the highest possible price for the asset, as if that was a particular sin. What I have indicated is that in two clear areas the government has structured its industry in the interests of trying to achieve a competitive electricity business and a competitive electricity market at the expense of the value that it might have achieved by structuring its assets in a different way. One of those is the fact that we supported a disaggregation of Optima, our single monopoly generator in South Australia.

If members recall, at the time our own board of Optima, a number of significant business people in South Australia and others, indeed some members of parliament, supported the view that we should keep Optima together to maximise sale value. That would have been correct if we had kept Optima together as a monopoly generator in South Australia. Our advice is that we would have achieved a greater asset value in the sale or lease process than by splitting it up into three competing generators—

The Hon. T.G. Cameron: Would you have got approval?

The Hon. R.I. LUCAS: There is that issue. The Hon. Mr Cameron asks, 'Would we have got approval?' I think the answer to that is we would have had significant problems probably with the ACCC and the NCC. The government took that decision in the interests of trying to develop a competitive electricity market in South Australia. It was not being driven by an endeavour to maximise the sale price: we were consciously trying to move down a policy front of encouraging a competitive electricity market.

The second example, again, is that the government fast-tracked National Power at Pelican Point. If the government had wanted to maximise its sale value, it would have left a significant competitor such as National Power to fight its way through all the government departments and agencies seeking all the development planning approvals, environmental approvals and everything else that any new major operator such as National Power would have had to achieve, and I can assure members it would not be coming on stream at the end of next year because the government had fast-tracked it. In doing so, clearly National Power will take away market share from some of our existing competitors—government owned generators such as Optima—and potentially that will have a value impact. So again, if we were being solely driven by price, as the Hon. Mr Holloway and others continue to assert, we would not have been heading down that path.

The honourable member made some statements in relation to capital gains tax with which I disagree, although clearly not in line with state government policy and I therefore will not venture into that area again, other than to acknowledge that I do not share some of his views on capital gains tax. I am disappointed that I will not have time to address the rather lengthy contribution that the Hon. Terry Roberts made yesterday about dicky-seats and a variety of other fascinating aspects. One can see—

The Hon. T.G. Cameron: It was almost vintage Roberts.

The Hon. R.I. LUCAS: One can see the impact of young children in the Roberts' household again—dicky-seats are slipping into the speeches.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Lost weight, dark circles, disposable nappies, kindergartens and all those sorts of things I am sure will be part of the Roberts' lexicon over the coming years.

In concluding, I want to address some of the comments made by the Hon. Mr Elliott last evening. I will have a chance to address the Hon. Mr Xenophon's contribution when I speak on the gaming machine bill later this evening. I would have to say again that I was disappointed with the Hon. Mr Elliott's contribution. I do not want to be unfair to the Hon. Mr Elliott, but I think it is fair to characterise his contributions increasingly as: 'If anything goes wrong, it is the Liberal Government's fault. If anything goes right, it clearly had nothing to do with the Liberal Government.' He spent his time last evening trying to fill out that particular principle or philosophy that has been governing most of his recent speeches.

To their credit the Hon. Sandra Kanck and the Hon. Mr Gilfillan in particular, on occasions, are prepared to acknowledge decisions that the government takes which they support and which they acknowledge as being positive. I must say I am disappointed that their parliamentary leader, the Hon. Mr Elliott, seems unable to adopt the new strategy of Senator Meg Lees, the federal Leader of the Australian Democrats, in endeavouring to work with governments in their own policy interests as a party, but also in the interests of South Australians.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Not everything is as the commonwealth government or indeed the state government would want, and we certainly acknowledge that. Nevertheless, there is a new found, genuine willingness to work with government in an endeavour to try to achieve shared policy goals, or at least compromise in shared policy goals in some way. It is an interesting option for the Australian Democrats members to contemplate as they look to the future in terms of their role in this chamber. I am sure that parties such as SA First and Independent Labour will fill the void very quickly—and indeed already have in many respects—because of their willingness, at least in some areas—whilst still belting the

government around the ears on a number of issues, and I am sure that will continue—

The Hon. T.G. Cameron: You can count on it.

The Hon. R.I. LUCAS: I am sure we can count on it. But at least in some areas they are willing to acknowledge that no government gets everything wrong, and I refuse to believe—

The Hon. Sandra Kanck: There is no government that gets everything right, either.

The Hon. R.I. LUCAS: That is true and let me acknowledge that. No government gets everything right, and I would be the last person to stand up and say, 'This government got everything right' or, indeed, that I as Treasurer had got everything right. I will argue my case, but I acknowledge—

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Let me assure the honourable member it is not a new found humility or recognition that governments make mistakes and governments should have the courage to stand up and acknowledge their mistakes, if and when they make them. Indeed, members of parliament should get up and acknowledge their mistakes when they make them. In recent times I have highlighted two clear errors made by the Hon. Mr Elliott and the Hon. Mr Xenophon and I am still waiting for some public acknowledgment in this chamber that they were wrong and for their withdrawal of those statements. I may well have to wait a long time—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I am not sure what the honourable member means by that.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I may have to wait a long time for both gentlemen, but I await with bated breath what may occur. The Hon. Mr Elliott raised a number of issues, and because of the time I will not be able to address them in detail. They were issues such as the growth in the wine industry and aquaculture. The government has certainly never sought to say it was solely responsible for the growth in those industries, but for the Hon. Mr Elliott to say, as he did, that the growth in those industries occurred without any involvement or assistance of government defies logic.

Governments have a role to play and have played a positive role in terms of the revival of the wine industry, aquaculture and development in South Australia. For the Hon. Mr Elliott as the Leader of the Democrats to work his way through his whole speech saying that these things are good but that this government has had nothing to do with them, and has had no involvement at all, defies logic.

On the other hand, let me hasten to say that any government that sought to claim all the credit for it would be deluding itself. The Premier and this government do not seek to claim all the credit for the revival of the wine industry, aquaculture and development in South Australia, but let us be fair in relation to this—and I leave this as a challenge to the Hon. Sandra Kanck and the Hon. Ian Gilfillan in relation to the role of the Australian Democrats. I know that there are discussions about the appropriate role of the Australian Democrats not only in this chamber but in the political arena in South Australia.

I know that they are looking at the role that Senator Lees, Senator Ridgeway and Senator Bartlett are adopting in the national arena, endeavouring to work with the government of the day. I would put out the challenge—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I have mentioned that. I put out the challenge to the Hon. Sandra Kanck and the Hon. Ian Gilfillan: they are two thirds of a majority vote in that party room and I would have thought that, given their past record, the fact that they have demonstrated on occasion a willingness to acknowledge some positives out of this government and that not everything it does is wrong or deserving of condemnation—

The Hon. Sandra Kanck: I sometimes praise the transport minister.

The Hon. R.I. LUCAS: And I would encourage that. The Hon. Sandra Kanck works very well with the Hon. Diana Laidlaw, and she has acknowledged that on a number of occasions in terms of transport reform and legislation. I would encourage the Hon. Sandra Kanck and the Hon. Ian Gilfillan to contemplate a new role for the Australian Democrats in this chamber and in the South Australian political arena, a new role which, on occasions, allows them to acknowledge that some governments—even a liberal government—can do good things, and which allows them to work with the government on a greater number of occasions for the greater benefit not only of their supporters but of all South Australians. I thank all members for their contribution during the Address in Reply debate.

Motion carried.

The PRESIDENT: His Excellency the Governor will receive the President and members of the Legislative Council at 4 p.m. today for the presentation of the Address in Reply. I ask all members to accompany me now to Government House.

[Sitting suspended from 3.48 to 4.40 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council today, to which His Excellency was pleased to make the following reply:

Thank you for the Address in Reply to the speech with which I opened the Third Session of the Forty-Ninth Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberation.

MATTERS OF INTEREST

KOSOVAR REFUGEES

The Hon. J.F. STEFANI: Today I wish to speak about the work of the Australian Red Cross and its involvement with operation Safe Haven which housed the Kosovar refugees. The Department of Immigration and Multicultural Affairs established the Safe Haven at the Hampstead Barracks in consultation with the Australian Red Cross and other government and non-government agencies; 147 Kosovar Albanians were housed at the Safe Haven from their arrival in June until the Safe Haven was closed on Saturday 2 October. Services provided at the Safe Haven included interpreting and translation services, religious requirements, a family tracing service, financial assistance, education facilities and facilitating interaction with the local Albanian community.

The Australian Red Cross also provided health, welfare and counselling services. The Red Cross Kosovar appeal raised over $1 million, with approximately $110 000 donated

in South Australia. In addition, the Red Cross warehouse at Islington accepted donations of clothing and other goods for distribution to the refugees. The Australian Red Cross staff maintained an office at the Hampstead Barracks, with computer equipment provided by EDS. Prior to the arrival of the refugees, Red Cross personnel coordinated an appeal for goods, which resulted in an excellent response from a number of South Australian businesses and individuals.

During the stay of the Kosovars, the Australian Red Cross volunteers played an important role at the Safe Haven by taking people for medical checks, supervising and playing with children, assisting with internet access and teaching craft to the women. The volunteers also ran the Red Cross Shop, which provided clothing and other essentials, including nappies for a number of small children. The Australian Red Cross tracing service was successful in locating family members for a number of refugees located at the haven. In addition, messages were sent to members of their families. Relations between the Kosovars and the Red Cross staff and volunteers were excellent.

Red Cross volunteers escorted groups of Kosovars to many recreational activities and sporting venues. The Kosovars who spent time at the Hampstead haven were very appreciative of the support provided by the Australian Red Cross and the South Australian community. On behalf of the South Australian community, I wish to express my warm congratulations and sincere thanks to the Australian Red Cross staff and their volunteers for the work undertaken at the Hampstead Safe Haven. In particular, I would like to pay a special tribute to Kylie Hay, Catherine Freriks and Lorraine Box for their wonderful work at the Safe Haven, and I congratulate the Red Cross on undertaking this marvellous work on behalf of the South Australian community.

HOUSING TRUST RENTS

The Hon. R.R. ROBERTS: I wish to speak today about Housing Trust rents for retired persons in particular. In June this year I was approached by two people, one of whom was Mrs Gemma Gauci from Port Pirie. Mrs Gauci had with her a petition from almost 50 senior citizens in Port Pirie who rent Housing Trust accommodation. These senior citizens were concerned because they had just received an increase in their pensions of approximately $4 and were advised by the Housing Trust of South Australia that, in many instances, their rent had increased by $4.25.

They were concerned at the rising cost of Housing Trust accommodation for aged persons in Port Pirie, and rightly so, given the understanding that pensioners pay a concession rental of not more than 25 per cent of their income. I made inquiries with Miss Georgina Bickley from the Housing Trust office in Port Pirie and was advised that, at that stage, the South Australian government had changed its methodology in calculating rents. Indeed, that had occurred at exactly the same time as the pension increase—monumental bad timing that caused a great deal of concern.

At about the same time I was also approached by Mr Ray Wenzel, who lives in Campbell Street, Port Pirie. Mr Wenzel was concerned about the effect of the GST on Housing Trust rents, as well as the effect on the off-sets that were to be provided by the government to pensioners to compensate for the GST. As a result of approaching his local federal member (Mr Barry Wakelin), Mr Wenzel wrote to Senator Alan Ferguson expressing his concerns. In part, Senator Ferguson's response to Mr Wenzel states:

> The state premiers are aware that the compensation is to balance increased costs and is therefore different to other federally funded pension increases. The compensation would not be effective if an increase in the Housing Trust rental was to match the pension increase and, although the federal government has no role in determining Housing Trust rental prices, we are confident that the state governments would uphold the spirit of the agreement that they signed.

Since that time, the Hon. Dean Brown made a statement in parliament that the government would isolate the compensation package from the pension so that it would not be taken into account. The problem, of course, is that, over time, the compensation package is expected to erode. I ask the Hon. Dean Brown how he intends to ensure that that component will always be determined and will not be absorbed into the whole pension structure, the consequence of which would be that pensioners would pay higher rents. Since that time my Port Pirie constituents have been advised that there will be no increase as a result of the GST.

I am advised that the government will be paying a major component of the levy this year, which means that Housing Trust constituents do not have to pay the GST this year. However, market rents will increase and, as Housing Trust rents are set on market rents, it seems feasible that they will rise. I ask the government: in the event that market rents increase, will the government assure my aged constituents in Port Pirie that all these matters will be taken into consideration when the rents are adjusted annually and that those pensioners in the twilight of their years will not have to worry about drastic increases in rent?

I did have 50 people sign a petition but, given the information that has been forthcoming, it did not seem feasible to proceed with it. However, a growing number of people are concerned about this issue and it will be my advice to those people that we should petition the Hon. Dean Brown to ensure that rents for aged persons are kept as low as possible in the year 2000.

RURAL WOMEN'S DAY

The Hon. CAROLINE SCHAEFER: The 15th of this month was World Rural Women's Day, and I attended the celebrations for that day, as did the Hon. Carmel Zollo, at SARDI at West Beach. On that occasion, we acknowledged the work of the late Mrs Lois Harris for rural women and for what she did as President of the Women's Agricultural Bureau. On that day also was the launch of the Rural Women's Award 2000, and I would like to spend some time speaking about that award.

As members would recall, for a number of years the ABC sponsored a Rural Woman of the Year award and, when that closed two years ago, the South Australian government committed itself to a rural women's award in some form. However, the federal government then became involved, and I would like to acknowledge the Rural Industries Research and Development Corporation as the major and most generous sponsor for the new award.

The award is designed to recognise and encourage the contribution that women make to rural Australia and to celebrate their achievements. However, it is also designed to encourage women to continue in the role of agriculture, natural resource management and related service industries. I have had the pleasure of being involved with each of the ABC rural women of the year, and know most of them

personally. The first Australian rural woman of the year, as members would remember, was from the Riverland in South Australia. I have watched both the winners and the finalists become much more confident and, indeed, leaders in their community and in agripolitics throughout South Australia. I am a great proponent of this award.

The award is part of a national plan for women in agricultural and natural resource management, and it plans to provide guidelines on best practice in supporting women as contributors and participants, as leaders and decision makers, and as clients of agriculture and natural resource management. It will support women with a strong and positive vision for the future of agriculturalists in Australia, and that includes forestry, fisheries, natural resource management and related service industries. So, the winners of these awards may not necessarily be farmers per se. There will be no one winner: in fact, there will be seven state and territory winners, and each will receive a bursary of $20 000. The state winners and up to two state finalists will attend the RIRDC leadership seminar in Canberra in March 2000. The bursary will assist applicants to improve their skills and will enable them to play a greater role in the future of rural Australia.

They will be asked to show how the bursary will assist them in fulfilling their personal vision for agriculture and the way in which they will disseminate their new skills and information to their communities and to the broader community. However, their bursary can be used for activities that build their skills—be they in management, business or leadership—and can be used, for example, for study tours or for formal training. As I said, the winner and up to two other finalists will also be invited to the RIRDC leadership seminar, which will provide participants with leadership and management training, media and presentation skills and networking opportunities.

I must say that, if I was not so busy, I would love to apply for this offer, because it is very attractive and an opportunity on which young and positive thinking rural women should not miss out. Nominations close on Friday 26 November, and I would urge all rural women either to nominate themselves or to nominate someone they believe to be deserving of this award. This is a wonderful initiative by the commonwealth government, and I encourage rural women who have a plan for the future for rural South Australia.

Time expired.

ST PAUL'S MINISTRY

The Hon. CARMEL ZOLLO: This afternoon, I would like to tell the Council about St Paul's Ministry, a major program of the Interchurch Trade and Industry Ministry (ITIM). The ministry is jointly funded by the Anglican, Catholic, Lutheran and Uniting Churches and is incorporated within the wider ministry of ITIM Australia, enabling advocacy, education and research to assist the integration of Christian faith and work, and the promotion of Christian values in public life. Of course, I recognise that we have other Christian communities in our society besides those mentioned and some people who are not Christians. However, the idea for such a ministry originally started in 1985 in the Anglican Church and was relaunched last year in its current format.

Essentially, it is looking at ethics and values in the workplace and society, and targeting leadership in all aspects of life. It offers an opportunity to affirm leadership and provides people with the opportunity to meet together for discussion and sharing of ideas. Along with several other members of parliament, last July I attended a forum to hear Aboriginal Eddie Kneebone speak on 'Circles of stories, not circles of guilt: the spirit of reconciliation'. It was very moving to hear someone make a decision to be so positive about life and celebrate it within his community and family. As he said:

> I had a choice—either to become angry and spiteful, or to turn around and become a positive person and make it work.

I hope that members will have the opportunity of attending some of the forums that have been offered to the community this year. They are described as follows:

> Time out to reflect on and discuss with others new dimensions of your leadership through a variety of topics.

Other forums have looked at our system of justice and economic rationalisation, and the environment, to name a few. It is important for community leaders to have the opportunity to be part of such discussions in an honest and frank manner. Too often we become isolated from community feeling and perception, and the aims of St Paul's Ministry help us to refocus on the issues that are important in people's lives. It is worth recapping the aims of St Paul's City Ministry, which are:

- The promotion of Christian values to people of influence in work and in public life in South Australia.
- Offering opportunities for group discussion, reflection, research and fellowship.
- Working with decision makers in business, government and not for profit organisations.
- St Paul's City Ministry also cooperates with groups and networks which have similar goals and agendas.

I saw a practical example of these aims in action last week. I noted that the coordinator, Mrs Geraldine Hawkes, was a guest speaker at the inaugural meeting of a new initiative, the Community Project Forum. The Community Project has been set up to raise awareness of 'community' within Australia and to gain endorsement for the International Year of Community proposal nationally and internationally. The United Nations Association of Australia (UNAA) has endorsed the proposal for an International Year of Community to be declared by the United Nations General Assembly. I wish the project every success and was pleased to see Geraldine Hawkes of St Paul's City Ministry as one of the guest speakers.

We all aspire to being responsible citizens, and hopefully those in public life are so much more aware of such responsibilities, directly and indirectly. People in public life are often faced with decisions involving ethics and morals. The pamphlet that tells the community about St Paul's says that it offers the opportunity for people to come together by providing a safe place for unsafe (and safe) ideas—a place where decision makers can:

- explore—with freedom and in an atmosphere of trust—the personal and professional challenges facing them as leaders;
- speak from the heart;
- discover new possibilities;
- discover what action they are being called to take; and
- feel encouraged and supported as they face the ongoing challenges of leadership.

I wish St Paul's City Ministry every success in its promotions and work within our community, and I hope that members will take the opportunity of either contacting the ministry personally or attending the forums that are offered. I know that we are all pressed for time and, with that in mind, some of the discussions are in the form of a lunch time discussion

session, so that as many people as possible can attend. I commend the work of St Paul's City Ministry to the Council and encourage everyone to support its work and take advantage of its services.

BRAZIL ROCK

The Hon. SANDRA KANCK: In May this year, I was fortunate enough to spend some time in the company of Adelaide University academics Professor Rowland Twidale and Dr Jenny Bourne viewing granite outcrops in the Minnipa area on Eyre Peninsula. I was prompted to visit the area following public outcry over plans by the District Council of Le Hunte to quarry a large granite outcrop known as Brazil Rock. We visited a number of granite outcrops and three recently abandoned granite quarries. It became clear that, if the companies that had operated these quarries had taken expert geological advice before beginning extraction, they might have saved themselves a lot of money in the long run.

In one instance, the removal of overburden resulted in expansion of the granite and consequent cracking, thus making the quality of the granite unpredictable. But the outcome of removing the overburden could have been predicted. The Minnipa Hill quarry was very recently abandoned following an earthquake, which had its epicentre at that site, in January this year. An examination of the site by geologists would have been able to point out earlier cracks and fault lines which would have allowed the operators to make a more informed decision about whether or not to quarry there.

The granite monument that brought me to the area, Brazil Rock, or Poondana as the geologists know it, is what is known as a Bornhardt Inselberg, but this one is a particularly good example with flared slopes and stepped morphology. There have been allegations that the late entry of Aboriginal people into the debate was a put-up job, and it is unfortunate that the *Advertiser*, which drew the matter to the attention of metropolitan residents, failed to tell the whole story.

Yes, the council did consult with an Aboriginal person—a man (and I stress that) from Ceduna. But as he was neither of the correct tribal grouping nor gender he could speak only for the men of his tribe when he advised that the rock had only a small amount of Aboriginal significance. The rock's name, either as Brazil Rock or Poondana, did not speak its significance, and, in a sense, put people off the scent in regard to its importance to Aboriginal people.

Its Aboriginal name of Minymar does speak its significance, and indigenous women traditionally came from as far away as Western Australia and the Northern Territory for corroborees at the site, which is part of their Seven Sisters dreaming. While at Minymar I was able to pick out slate and quartz implements in the soil at the base of the rock, and in an area that is almost entirely granite it is patently obvious that these implements must have been brought into the area.

In speaking with Professor Twidale and Dr Bourne about these various granite outcrops, we discussed the need for a register of significant geological sites in this state, and particularly for a register of granite monuments on Eyre Peninsula. Such a register could include ratings for geological, Aboriginal, environmental and local/social significance.

Minymar is not unique: when I asked my geologist friends what sort of geological rating they would give it out of 10, they said a seven or an eight. For Aboriginal significance, I would give it a 10 out of 10, but environmentally I would give it a nought out of 10, because the surrounding area has been cleared for agriculture. Socially, I would probably give it a five out of 10 for the regard the locals have for it, particularly because it has been used as a picnic spot over a number of decades. This would give it a total of about 22 out of 40. I suggest that anything that provides a rating of more than 20 needs to be looked at carefully before any approval is given for quarrying.

The register that I am proposing ought to be put together with the expert advice of geologists and others, and it could even countenance against particular sites being mined because of observed geological characteristics. In the case of Minymar, a chance conversation with a woman from the local tribal group revealed the significance of the site. She had heard that Brazil Rock was going to be mined but had not associated it with Minymar.

For all interested parties, we need to do better than this. We need certainty for the developers in our state, and a lack of solid information does not help. A register of the type the Democrats are now proposing would be a cost-saver for developers in the long term and it would allow matters to be resolved in a far less combative way than is currently the case.

LABOR PARTY

The Hon. L.H. DAVIS: I wish to comment on the ongoing internal tensions within the Labor Party: they are about as bloody as Braveheart. Ralph Clark and Murray De Laine, lower house members, and Senator Chris Schacht, are still targets for the Machine, which seeks to replace them at preselection time. Curiously, preselection for the seats of Messrs Clarke and De Laine, together with the Senate team, have been delayed while other preselections proceed. Why is this so?

Well, in part, it really has to do with the fact that the Metal Workers Union has around 20 votes on the floor of the convention, and a battle is taking place to see which way they will tumble. We all know about the ongoing bitter battle between Paul Noack and Mick Tumbers, whom he defeated as secretary of the metal workers. So, what is Mick Tumbers doing these days? Not too much union business I understand, but plenty of work organising numbers for preselections and other battles ahead.

The Leader of the Opposition, Mike Rann, claims to be interested in bipartisan politics, although one rarely sees evidence of this. If he was concerned about the motor vehicle industry in South Australia he would recognise the excellent relationship that has developed between the unions and the motor vehicle industry. The industry provides thousands of jobs for workers in South Australia. The union recognises that it is in global competition, and it has worked in close harmony with the motor vehicle industry.

It is beyond doubt that Paul Noack deserves a lot of credit for that. The Hon. Terry Roberts on the front bench is nodding in agreement, which is pleasing to see. But if the Bolkus-Tumbers forces win the day, the House of Assembly members, Clarke and De Laine, and Senator Schacht, will be in trouble, and it also may not be good news for the motor industry. Of course, the Machine in Labor politics in South Australia would have an even more vice-like grip than is the case now.

It has also come to my attention that a grubby deal has been done with the AWU to dump not so favourite sons. Fifteen votes will go to Bolkus and five votes to Quirke in the Senate preselection. The AWU has defected from the Centre

Left to guarantee AWU secretary, Bob Sneath, an armchair ride into the Legislative Council at the next election. And who will Bob Sneath replace? It will be the Hon. George Weatherill, the current Whip. And what is the other part of the deal? Well, the AWU will support Jay Weatherill in Price to oust the Labor member, Murray De Laine, who is well respected in his electorate and on both sides of politics. Indeed, Labor members to whom I have spoken in Price and in this Parliament are already asking, 'Just how long has Jay Weatherill lived in the electorate?'

A clue to why Bob Sneath might be anxious to move into the Legislative Council can be seen if one examines the current financial position of the AWU in South Australia. It ain't flash, Mr President. I know that not too many people in the Labor Party can read financial statements, but I can tell members that it is not a pretty picture. The union has failed in its efforts to sell its building on Main North Road. In recent years the AWU has lost about half its members. No wonder Bob Sneath wants to sneak into the Legislative Council.

In the Lower House, in that other chamber, reliable information is that John Hill is firming in the betting, with solid backing from the left, who like his politics and policies, and he is also enjoying the strong support of the Centre Left. Kevin Foley is the rights' candidate, but he is not trusted by the left because he defected from the Centre Left and has earned its enmity. Understandably, people like the Hon. Ron Roberts will not be supporting Kevin Foley.

Quite clearly, the Leader of the Opposition, Mike Rann, is living on borrowed time. Curiously, and luckily for him, he is not doorstopped by journalists. 'Why is this so?', is a question one may ask. A number of key shadow cabinet ministers are now talking about how Mike Rann is living on borrowed time, and they are talking about that fact with journalists around Adelaide. One has to say that the Hon. Carolyn Pickles went very gracefully and with some dignity, but with a firm handprint on her back all the same.

Time expired.

ELECTRICITY, PRIVATISATION

The Hon. T. CROTHERS: In the five minutes allotted to me on short notice I want to speak on a matter which is very dear to my heart, and I know, given the contents of what I will produce in the next five minutes, that it will be very dear to the heart of the constituency of the Labor Party, the blue-collar worker. I go back to the time of the ETSA lease, when I had moved an amendment to ensure that $150 million would be set aside over the next 12 months to serve as a provident fund, so that the state, which is cash strapped and will be until it leases ETSA, could make an accrual amount of saving in interest rates to accrue to Treasury from that lease.

I had moved the amendment. The government supported me, as indeed did my colleague from SA First, the Hon. Terry Cameron, when to my horror I found that in the lower house the amendment had been opposed, and that was aided and abetted by the two former Liberals who class themselves as Independents and by the National Party member, Ms Maywald, in another place, who classes herself as representing the interests of rural blue collar country workers. I had said in the debate, and I had put a sunset provision, that if any of the $150 million was not used in the next 12 months it was to then revert back to paying off the principal of the $7.5 billion debt. The Labor Party sent emissaries—and I will name them—Pat Conlon and Kevin Foley, and they managed to convince the two Independents and the National Party member that on this matter they should vote with the opposition. They have let their constituents down, and how the Labor Party has let its blue collar workers down I will explain. But first let me explain why the Labor party moved the amendment and got the support of the National Party member.

This was part of the old Mick Young/Trevor Crothers ALP convention trick. When they became aware that the popular support in South Australia was swinging in behind the leasing of ETSA, they realised to their horror that they had made a mistake in respect of tactics in opposing the lease of ETSA. How could they change that and bring it back and save some of the ordure that was emanating from their opposition? I will tell you how they did it. They used a trick we all used to use at conventions, and I am sure it is used in the Liberal Party, where if you get a motion that comes before the convention floor you delete all words after 'the' or 'a' in the first line, which are generally the first words, and then insert your own motion as an amendment. That is why they did it. Blind Freddy could see that. It was not done for any reason other than that, because logic will defy any reason why it should have been opposed in the first instance.

The two Independents and the National Party member showed they were political dupes who did not have a streetwise bone in their body. Hopefully, they have learnt from that harsh experience that they lent themselves to. That is why it was done. It was done so as to inculcate into the mind of the electorate that, because the ALP had knocked off my very necessary amendment, that then became its proposition. It was able to then say, 'But we did support the lease of ETSA,' albeit in a roundabout way, by knocking out my amendment for $150 million.

I said when I spoke to the amendment that it was aimed at supporting the cash strapped government if in fact some emergency money was required. I indicated the Adelaide-Darwin rail link, which we now know is short of funds. I indicated possible problems with some of our larger manufacturing areas. We see what is happening with Mitsubishi now, both in respect of the GST and its plant closure. We see what the cash strapped government has had to do in respect of public hospitals: Royal Adelaide, Lyell McEwin, Flinders Medical Centre, and Queen Elizabeth. All those hospitals have had to close down beds because of a lack of cash, and who does that hurt the most? Who uses those hospital services the most? It is the ordinary blue collar worker of this state. They are the people who use those hospitals. The Democrats, too, for obvious political reasons, supported that matter in this Council.

The Hon. Sandra Kanck: I did not.

The Hon. T. CROTHERS: Yes you did.

The Hon. Sandra Kanck: I moved to actually have more money put in.

The Hon. T. CROTHERS: Okay, right. Anyhow, the matter was knocked off in this Council. To my chagrin and bitter disappointment they have damaged their own constituency. They deserve to be called to book at the time of the next electoral fiesta—and they will be by me.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: RAIL LINKS WITH EASTERN STATES

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee be noted.

(Continued from 20 October. Page 141.)

The Hon. T.G. ROBERTS: I rise to indicate support for the motion moved by the Hon. Mr Dawkins, who in this Council has the responsibility for moving that the reports in relation to the Environment, Resources and Development Committee be noted. The evidence that we took in relation to the brief that we were given was in some part surprising but in most cases very straightforward. The report and the committee findings that were reported on by the Hon. John Dawkins I endorse completely. I guess the structure of the report revolved around getting the state's rail infrastructure right for the restructuring of our rail infrastructure to fit into a new commonwealth structure that is being developed via a whole range of mechanisms, including private investors. While we were drawing evidence, the nature of the restructuring was changing. In fact, after we reported there was a major takeover of one of the companies, Great Southern Rail, into another consortia, which will be developing, hopefully, the plans that it was putting forward as to how it saw rail going.

Some of the views that were put forward to the committee from some of the private rail operators, and in particular those that were picking up the responsibilities for passenger rail, I think need to be applauded, because certainly in relation to the government's role in the past 15 or 20 years, when passenger numbers were dropping off, it was quite clear that many of the discontinued services, particularly the Whyalla to Adelaide line and the Mount Gambier to Adelaide line, had no chance of operating under any government funded or government managed scheme.

The committee found that a lot of work must be done in standardising the rail network to ensure that rail links interstate are completed, and we certainly had to look at the benefits of an eastern linkage via Melbourne and Parkes through to Brisbane and northern Queensland as an alternative or adjunct to a Darwin to Adelaide rail link. At first, I thought it may work out to be a competitor to the Adelaide to Darwin linkage, with the final link between Alice Springs and Darwin being put in but, on taking evidence, the committee found that the line and the linkages could be complementary and could add business to the southern linkage from Melbourne to Adelaide into a northern link. Certainly, the Parkes link as an interconnector or a centre could be of benefit as well.

Although it may not be picked up—it is a bit of a wish list—we did hear evidence to give us some heart that perhaps a proposal may be knitted into a state infrastructure, that is, recommendation No. 2, which states:

> The committee recommends the standardisation of the railway lines linking Mount Gambier to Wolseley, to Heywood and to Millicent.

At the moment, the problem with the lines is that neither the private nor the public sectors wants to spend money on standardising the rail link (which is now broad gauge) and on infrastructure because it would take a long time to get the returns they require with either passenger and/or cargo. We were given evidence that when private sector operators started to take note by moving interests from the Melbourne to Heywood linkage, it was only a matter of time before they would look to linking up the Heywood to Mount Gambier to Millicent line.

The line runs out at Snuggery, but a large grain handling silo and storage acceptance program has been put together just north of Millicent. I think it makes good sense for any spur line which is built from Mount Gambier through Snuggery to be completed so that a lot of the grain, agricultural and horticultural products can be moved by train as well as road. It is not as if rail would take it all: a healthy lot would be moved by road for convenience, but, certainly, it would give rail a chance to be a part of that. Recommendation No. 1 states:

> The committee recommends that funding be provided for the improvement of the railway line through the Adelaide Hills with particular emphasis on reducing cross looping, minimising curves and increasing the heights of tunnels.

That was done to ensure that the benefits of a shorter, speedier linkage with the eastern states would not be hampered by an inefficient line between Murray Bridge and Adelaide. There was some debate as to whether it could go around the Hills section north of Sedan and north of the Barossa Valley, but none of the evidence that was given to us indicated that that would be a paying line that would have any future. The committee also recommended:

> . . . an investigation of the feasibility of standardisation of Pinnaroo to Ouyen line.

That was almost for the same reasons as the linkage from Mount Gambier to Wolseley, to Heywood to Millicent, but it becomes more an intrastate linkage that is able to fit into an eastern states line and the port of Portland becomes a player in moving some of the produce from south of the Riverland, in the Murraylands area, through to Portland.

The debate that members of the committee had in relation to improving the intrastate lines within the South Australian region centred around moving regional produce into major centres so that they could then be part of the national loops. That was basically our challenge. Unfortunately, some lines have been pulled up. Recommendations could have been made for further use, particularly in tourism areas. Other members have made reference to the line through to the Clare Valley which, unfortunately, does not exist but which is a good recreational line for walking and riding bikes. We cannot make recommendations in relation to its usage. Similarly, a line runs through to the Barossa Valley and in the next decade lots of visitors may like to do a link tour; if they land at Adelaide Airport, they could do the Coonawarra wine trek, the Barossa Valley and then the Clare Valley wine areas. The state would benefit in terms of tourism from that.

The report is only short, but I would not like to add up the dollars it would cost for the recommendations to come to fruition. The recommendations would cost a lot of money, but I think at this stage the difficulty that governments have—and I can understand why the previous federal shadow minister had difficulty in working out how much time she would spend at home and how much time she would spend in relation to the transport portfolio; and I have some sympathy for the minister at a state level—is that the overlays of private sector interests have to be weighed against the benefits they require from state-funded programs and from the public purse, weighing up how much benefit the state and the nation will get from the amount of investment that the public purse has to be strained to give to allow the private sector to make the returns it requires for its investors. Therein lies the balancing problem.

In addition, there are a number of potential investors out there seeking support from governments to be the first cab off the rank for support and assistance for their programs. Given the way in which market forces operate, we already have one major player in the field being taken over by another company that may or may not be engaged in negotiations with governments over tracks, the role it will play in whatever area, and what part of the web of the network it will be a player in. If they are into heavy haulage, they have different investigatory and investment programs. If they are looking for short haul, heavy haulage such as coal—the Leigh Creek line to Port Augusta—their requirements are different; the returns are different; and the guarantees they want are different.

The committee found that a lot of AN's rolling stock which was not being used was tied up. The private sector would like to get hold of that but governments must make sure that the returns on the use or sale of the government owned rolling stock are adequate. There are many challenges. Rail is in a state of flux, but it certainly needs a lot of attention and investment if it is to maintain its paramount place in relation to road haulage. If the right decisions are not put together now by both the public and the private sectors in relation to competition with road, we will not shift a lot of that cargo or haulage off roads and into rail where it should be because of the inability of all the tiers of management that need to be integrated to get decisions made. In other words, the commonwealth needs to be talking to the states, the states need to be talking to the private sector and vice versa: everyone needs to be sitting around the one table to work out the plans.

When we were taking evidence, we found that much of the material we were receiving was being worked out in separate boardrooms for different reasons and people were working to protect their own patch and match their own interests against some of the potential for change. The challenge for government is to get all the people with potential and with an interest in rail together, and that includes a lot of the road hauliers who would like to be a part of the piggyback service and systems. Again, that is a challenge for government to work out a fair and equitable freight rate for the use of those services, integrating the cost of haulage, the cost of rental of publicly owned line, access, the building of the new to complement the old and refurbishing many of the lines that now need updating due to years of neglect. Not only were the rolling stock and the trains neglected but also the rail and sleeper system.

There are many challenges, but I am sure that, if we get it right, we will be thanked by our constituents in coming decades for making the roads safer, as well as making rail a beneficiary of restructuring that, hopefully, will come in the next decade.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: BOARDS OF STATUTORY AUTHORITIES

Adjourned debate on motion of Hon. L.H. Davis:

That the report of the committee inquiry into boards of statutory authorities, remuneration levels, selection processes, gender and ethnic composition be noted.

(Continued from 20 October. Page 151.)

The Hon. J.F. STEFANI: My contribution to the twenty-first report of the Statutory Authorities Review Committee on the remuneration levels, selection processes, gender and ethnic composition of boards and statutory authorities will be very brief. I will make some comments in relation to the ethnic composition of boards and committees, and our committee made some recommendations in relation to this matter.

In evidence, the committee heard of some difficulties expressed by Mr Michael Schulz, the President of the Multicultural Communities Council, as well as Dr Sev Ozdowski, the Chief Executive Officer of the Office of Multicultural and International Affairs, in relation to the gender ethnic balance on boards and statutory authorities. Hence, our committee recommended that the government should strengthen its commitment to increasing the number of board members from culturally and linguistically diverse backgrounds and consider further measures to achieve this goal.

It is true to say that the concerns expressed to the committee by the various witnesses in this inquiry tended to give some opinion about the difficulties that members from a non-English speaking background have in relation to their appointments to various boards and committees. Other recommendations in relation to this matter are contained in recommendations 9, 10 and 11 of the report, and I shall not repeat those recommendations.

One other subject about which I would like to briefly speak is the increase in the number of women on boards and committees and the effort that the South Australian government has made in relation to the appointment of women to boards and committees. I must particularly congratulate the Minister for the Status of Women because a very concerted effort has been made on her part, I am sure, to ensure that we have 100 per cent representation in the portfolio of the Minister for the Status of Women and also 50 per cent representation in the arts portfolio. I know that the government has been conscious of increasing the number of women on boards and committees, and I note with interest that, in November 1993, 25.5 per cent of women were represented on various boards and committees, and in April 1997 the increase achieved was 30.4 per cent.

It is noted that the numbers are steadily increasing, but change is slow. Nonetheless, a very concerted effort has been made in some of the departments and portfolios to achieve an increase in the representation of women, and I commend very much the efforts of the government in this regard. Of the other recommendations, the committee addressed the remuneration levels, and a number of recommendations in that regard have been included in the report. I trust that the government will take on board some of the recommendations in relation to remuneration—for instance, in respect of the board of the Botanic Gardens and State Herbarium. There are probably a number of other boards and committees with members who receive minimal remuneration, and the government may be in a position to address the levels paid to the members of those boards and committees.

With those few remarks, I support the endorsement and noting of this report. I am sure that the government has further work to do, but I was pleased to be part of the committee that formulated the recommendations of the report.

Motion carried.

ROCK LOBSTERS

Adjourned debate on motion of Hon. P. Holloway:

I. That the Legislative Council notes—
(a) the complete failure of Primary Industries and Resources SA to fairly and equitably manage the allocation of rock lobster pot licences; and
(b) the subsequent investigation by the South Australian Ombudsman into alleged anomalies in the allocation process.

II. That this Legislative Council therefore calls on the Legislative Review Committee to investigate and report upon all aspects of the process of allocation of rock lobster pot licences, which the Hon. Carmel Zollo had moved to amend by leaving out paragraph II and inserting the following—

III. That this Legislative Council therefore calls on the Legislative Review Committee to investigate and report upon the Fisheries (General) Regulations 1984 and their application to the allocation of recreational rock lobster pot licences.

(Continued from 20 October. Page 152.)

The Hon. IAN GILFILLAN: The Democrats support the motion and the amendment, which does not appear to vary to any substantial extent the basic intention of the motion. It has become embarrassingly apparent that the procedure left a lot of people feeling totally alienated from the opportunity of getting a fair crack at what must be regarded as quite an appreciable lottery prize.

The Hon. T.G. Roberts: $20 000 a pot for the pros.

The Hon. IAN GILFILLAN: Yes, $20 000 a pot for the pros. That detail has been added to the debate by my colleague the Hon. Terry Roberts. I do not think we are in a position nor motivated to debate whether or not the actual procedure was satisfactory; quite patently, it was not. I believe that the minister was reported in the media as saying that he would have preferred a process of written applications rather than telephone applications.

The Hon. M.J. Elliott: He could have got SOCOG to do it!

The Hon. IAN GILFILLAN: No, I do not think SOCOG would be acceptable at the moment. Perhaps in the board rooms and the more elite clubs SOCOG could be chosen, but not in the case of ordinary South Australians getting a fair crack at the craypot, the opportunity to have an allocation of a rock lobster pot licence. The Legislative Review Committee, quite rightly, is being used as a base to which people can refer contentious matters to have them analysed. I make the observation while we are discussing it in this context that the Legislative Review Committee may need to be expanded in its perspective of purely analysing the appropriateness or otherwise of regulations, what was regarded as subordinate legislation, to its new or emerging role of being an independent committee assessing the operations of freedom of information (as we currently have before us), of assessing the role of public interest advocate (as we currently have before us), in relation to listening surveillance devices legislation, and now this.

It is moving into a more subjective political interpretation of the public's wishes rather than just a mechanical analysis of whether by-laws and regulations fit within the powers of the principal act. Those are observations I make in passing but, quite clearly, if as I expect we are successful in this motion, the Legislative Review Committee will have to analyse the procedure, look at the fairness of it and make recommendations for what would be an improvement in the future. Under those circumstances the Democrats wholeheartedly support the motion and indicate, again, that we believe that the amendment is an improvement. It would give us the opportunity to look at the Fisheries (General) Regulations 1984.

Earlier today I had an opportunity to share with this chamber some remarks rather critical of the way the Fisheries Department is currently managing aquaculture, so it is apposite to the general concern that many of us have about the way fisheries are being conducted that this term of reference should be able to reflect a little wider than just specifically how rock lobster licences were or should be allocated. We support the motion.

The Hon. J.F. STEFANI secured the adjournment of the debate.

GAMBLING INDUSTRY REGULATION BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 47.)

The Hon. CAROLINE SCHAEFER: In speaking to this bill, I think it is necessary to say up front whether we as individuals (because this is a conscience matter) believe that gambling of itself is wrong or harmful, regardless of which code of gambling we are talking about. There is an element within South Australia—and if we look at South Australia's history this is not surprising—that is of the view that all gambling is wrong. I need to say at the outset that I am not of that view. I see gambling as a legitimate pastime, no more or less harmful than a day at the football, a night at the theatre or a drink in a hotel, and probably considerably less harmful than cigarette smoking.

I am always quite surprised when I hear of how much money is lost to gambling in this state. No-one ever talks about how much money is lost by going to the theatre. No-one says, 'I went out to dinner and lost $100.' No-one says, 'I went to the football' or 'I joined a football club' or 'I joined Football Park and lost $600.' I believe that all of us are entitled to spend some of our hard earned dollars in what we see as a legitimate leisure pursuit. I might also add that I find poker machines mind-numbingly boring, but I do not believe that I have the right to impose my views on people who believe that it is a legitimate pastime. Any of these pastimes only become a problem when the participant becomes addicted to their chosen pursuit; that is when there is a problem.

I have said on the public record that, had I been in the parliament at the time, I would not have voted for the introduction of poker machines, on the ground that we already have plenty of gambling outlets in this state. While they may not do as much harm as is widely claimed, neither do I think they do much good. However, they are here now and they are legal. A considerable number of people have invested large amounts of money in them. They directly employ about 4 000 people and indirectly many more.

Let us make no mistake about this: this bill is about getting rid of poker machines in hotels. It is not about minimising poker machines and not about bringing in further regulations, it is about getting rid of poker machines. The Hon. Nick Xenophon said in his second reading explanation:

Part 8 of the bill relates to an amendment to the Gaming Machines Act, clause 38, and relates to the removal of gaming machines from hotels within five years.

He goes on to say:

That was the only promise I gave at the last election, that gaming machines be removed from hotels.

Make no mistake, that is the heart of this bill. The rest is just gloss. Most of the other clauses have already been tackled either by the government or by the Hotels Association. This is really not about control but about total removal. Why, one must ask, is this only from hotels? Why not from licensed clubs as well? What does Mr Xenophon have against the hotels?

Most hotels are privately, family owned, well run and self-regulated. In many cases we are not talking just about the big end of town: we are talking about owner managers who would not be viable without poker machine income. What has Mr Xenophon got against these people? In his second reading explanation the honourable member even said that there should be 'public debate as to the desirability of poker machines in hotels as distinct from being less accessible in fewer community clubs'. We have all been to New South Wales and I do not recall the pokies being any less accessible.

The clubs in that state have set up pokie Taj Mahals, with literally thousands of machines and with many of the other evils which Mr Xenophon decries, including machines that take notes, an EFTPOS facility nearby, etc. I have no evidence that the clubs elsewhere are any better and, in fact, I think they are more open to takeovers and, indeed, large crime than the family owned hotels which operate most of the poker machines in South Australia. I repeat: from what does Mr Xenophon's hatred of the hotel industry stem? In this state hotels and licensed clubs are the sole contributors to the Gamblers Rehabilitation Fund.

Recently, they released a new voluntary code of practice which addresses much of Mr Xenophon's bill: signage in gaming rooms; customer support; signage on machines; clocks in gaming rooms; and so on. And what did Mr Xenophon say about this code of practice? He said that it had no teeth and should be enshrined in law. Why? Does he have widespread evidence that there is not adherence to the voluntary code of practice? If he has that evidence, perhaps he should report it. Elsewhere in his speech Mr Xenophon alluded to the Hotels Association as having 'undue influence over the administration of the Gamblers Rehabilitation Fund'.

What is he implying? Is he implying some sort of impropriety over the administration of that fund? If he is implying that, there would be a number of honest people involved in that administration who would be, at the least, very insulted by his allegations. Again, I ask: why does Mr Xenophon require that the presiding member of his proposed gambling impact authority be a legal practitioner? Does he not think that the rest of us are capable? Why not a publican, a priest, a person who mows lawns or someone who gambles? Why a lawyer?

Mr Xenophon has questioned the percentages of addicted gamblers but I, too, question his percentages, because certainly the evidence that the Social Development Committee received was that there are about 2 per cent of addicted gamblers in this state and, indeed, across Australia. Why do we need a gambling machine levy of $10 per machine when no other gambling code must pay such a levy? The Hon. Nick Xenophon claims that live music as an industry has suffered since the inception of poker machines. However, the Social Development Committee received conflicting evidence on this issue: some claimed that opportunities had been enhanced while others claimed that they had been disadvantaged.

Similar evidence was given in claims about the demise of the small retail sector. Some people claimed that this is so: others said that some sections are better off and others worse off, just as always happens with change, and that it had nothing to do with the inception of gambling machines. Perhaps, more interestingly, some claimed that the section of retail which was disadvantaged was that which formally sold scratchies, etc. So, perhaps we have simply exchanged one form of gambling for another.

Part 4, clauses 16 and 17 of the bill allow for compensation for victims of gambling-related crime, which is indeed an honourable sentiment, but how does one decide what is a gambling crime as opposed to a greed or a drug-related crime, and so on? A Victims of Crime Fund has already been established. Perhaps that should be increased. But I see no commonsense reason for sectioning off one cause of crime for separate treatment.

I have previously commented on clause 18, 'Prohibition of interactive gambling', or gambling on the internet: I have said that I would have no objection to that prohibition. But my advice, sought from experts all over Australia, is that that is not technically possible, which probably means that we are better off to try to regulate consumer protection than to try for prohibition.

Clauses 20, 21, 23, 24, 28 and 36 are all provided for, as I see it, in the new voluntary code of practice—a voluntary code of practice which the Hon. Nick Xenophon has decried. Clause 25 is also provided for, but I remind members that this clause would not allow the cashing of a cheque at any hotel where there was a bank within a 10 kilometre radius. As most members here would know (possibly not the Hon. Nick Xenophon), people also stay at hotels and they eat and drink at them. Mr Xenophon's banning proposal is plainly ridiculous. What about a country town that has a banking facility which closes at 5 o'clock in the afternoon? What is a team of shearers expected to do when they arrive in town wanting to eat, drink and get some accommodation and they cannot cash a cheque? It just does not make sense.

Clauses 26 and 27 would ban smoking and the consumption of food and drink anywhere within the area of a gaming machine. Again, this borders on laughable. As I say, the only thing we can say about this proposal is that it is totally about prohibition. If we agree that gambling is a legitimate form of entertainment, except for those who are addicted, clearly people should be able to at least eat and drink in a hotel somewhere near where they choose to gamble.

The Hon. Nick Xenophon interjecting:

The Hon. CAROLINE SCHAEFER: What about the employees in venues, indeed: why should they not eat and drink? For goodness sake! The Hon. Nick Xenophon interjects and talks about those who may be passively smoking. I think that we have all been spoken and written to on numerous occasions by employees of the gaming machine industry begging us to retain their jobs. I have not heard too many complaining about people eating, drinking or, indeed, smoking in those areas.

[Sitting suspended from 5.59 to 7.45 p.m.]

The Hon. CAROLINE SCHAEFER: I would like to resume my remarks with just a few comments on the idea of freezing the number of gaming machines within this state. Certainly that was one of the recommendations of the Social Development Committee and one with which I do not necessarily disagree. However, having given it quite a lot of

thought since I was chair of that committee, one of the things that could happen with a freeze on the number of gaming machines is that gaming machines in themselves could become a highly tradeable asset, so that those who have gaming machines now would become worth a lot of money, and those who want them some time in the future would miss out, unless they could purchase them at whatever price the haves wish to demand of the have-nots.

It also seems some somewhat unfair that the few clubs and pubs that do not have gaming machines and wish to have them should be excluded, as most of those that took the commercial decision early would then have an advantage. I am inclined to think that the commercial reality is that very few more gaming machines are needed within this state and that, since we have a law which excludes any more than 40 machines in any one place, that regulation will take care of itself. Therefore, I see very little point in freezing the number of gaming machines in this state. As I said, I am inclined to adopt the opinion that commercial forces will regulate the number of machines that come into this state.

However, I would again remind members that the Hon. Nick Xenophon has very little to say about freezing the number of gaming machines. In fact, what he is talking about is phasing them out over a five year period, so that we would have no more gaming machines in this state after five years, and we would, as we used to have, most of our senior citizens jumping on trains and going to Broken Hill, Wentworth or wherever to play the pokies.

The Hon. Nick Xenophon: It doesn't apply to clubs, though.

The Hon. CAROLINE SCHAEFER: The Hon. Nick Xenophon reminds me that it doesn't apply to clubs. As I said at the beginning of my speech, I am fascinated by the fact that somehow the Hon. Mr Nick Xenophon finds hotels and hotel licensees intrinsically evil, but the same machines in a licensed club are okay. I find that a great leap in logic and one that I cannot follow. I would also like briefly to talk about the Productivity Commission draft report and its definition of a 'problem gambler'. As I said, I do not believe that gambling is intrinsically wrong, and I said that at the outset. However, I recognise that there is a percentage of people who are addictive gamblers and that, as a society, we need to do what we can for those people.

I want to read out some of the characteristics of a problem or addictive gambler, as defined in the Productivity Commission report. They are things such as: has difficulty in controlling expenditure; thinks about gambling for much of the time; anxiety, depression or guilt about gambling; thoughts of suicide or attempted suicide; gambling behaviours such as spending more time or money on gambling than intended, or chasing losses; making repeated but failed attempts to stop gambling; interpersonal problems such as gambling related arguments with family members, friends or work colleagues; relationship breakdown or other family stress; job and study problems such as poor work performance, loss of time at work or studying and resignation or sacking due to gambling; financial effects such as large debts, unpaid borrowings and financial hardship for the individual, or family members; and legal problems such as misappropriation of money, passing bad cheques and criminal behaviour due to gambling which, in severe cases, may result in court appearances and prison sentences.

However, the report stresses that these categories need not all be present for a person to be a problem gambler. However, my question is: if we substitute the word 'gambler' for 'alcoholic', 'compulsive eating disorder', 'compulsive spender', 'shoplifter' or any of the other behaviours that display a compulsive addictive nature, would there be any difference? I suspect not. I suppose my question is: are we treating a cause or a symptom when we want to ban poker machines? I suspect that we are only looking at the symptom. In our society we have a percentage—and we can argue about whether it is 6 per cent or 2 per cent—of people who have a compulsive, addictive problem. Whether we need to ban what it is that they are addictive about is another question. If they happen to be over eaters, does that mean that the rest of us cannot enjoy a meal? If they happen to be addictive shoppers, does that mean that we have to close down all retail outlets? So the problem goes on.

We need to look at the mental health of members of our society rather than removing gaming machines. We have this argument quite often about dry areas. For social reasons, we have a group in society who drink to excess and harass the rest of society. It is very easy to decide that we will have a dry area. I appreciate those dry areas because I can walk through parks and so on at night quite safely. But it does not mean that those people are no longer drinking and brawling: it simply means that I cannot see them.

I suspect that, if we phase out gaming machines in our society in the next five years, exactly the same thing will happen: we will still have compulsive, addictive behaviour, although it may not be as visible as it is in relation to gaming machines. Some 98 per cent of the people who play the pokies and enjoy them with no ill-effects, choosing to spend their leisure dollar doing that instead of going to the theatre, a restaurant or whatever, will be disadvantaged. I see little point in supporting the Hon. Nick Xenophon's bill.

We already have some of the most stringent regulations on the gaming machine industry of any state of Australia and possibly in the world. We have a well-regulated gambling industry in this state. We will not stop gambling or gaming by bringing in stringent laws. In my view, a responsible group of people run most of the gambling industry. I suspect that the best thing we can do is regulate well, safeguard as much as we can under regulation, and try to assist those who have a problem. However, let us look at the real cause, not just the symptom.

The Hon. R.I. LUCAS (Treasurer): I have considered my position in relation to the second reading of the bill as closely as I am sure all members have. My position is that, generally, although there have been occasions when members in this chamber have voted against a second reading, members are entitled to take their legislation into the committee stage. I hasten to say that there have been a number of occasions when I—indeed the majority of members—have not supported that position. Frankly, sometimes that is probably the more courageous and correct stance to take because, if ultimately we are not prepared to support the bill, we go through a quite burdensome, tiresome and lengthy period of committee debate knowing that a number of us are highly unlikely to be prepared to support the product of the legislation at the third reading.

Let me acknowledge that this bill has special significance in that, first, it is the recent life's work of the Hon. Mr Xenophon; it is his reason for being in the political arena, and I think that is an argument in support of allowing it to progress beyond the second reading. It is also an issue that clearly has attracted much public and community attention, with a variety of views, and that is another reason why the

issues that the Hon. Mr Xenophon is seeking to test in the parliament perhaps ought to be tested in the committee stage.

I think my view would be, and I suspect the majority view of members in this chamber might be, a willingness to not create a major debate at the second reading about whether or not the bill goes into committee but to acknowledge that we should move into the committee stage relatively quickly so that we can discuss and debate the detail of the provisions of the bill. My view at this stage is that I am highly likely to support the second reading of the bill when we vote on it—I hope upon my return to the parliament and these shores. I would not want to miss the opportunity to vote on this issue, should it come to a vote.

Members will not be surprised at my overall position on the legislation. If I could summarise my position in relation to gambling, in my 17 years or so in the parliament I think I have supported all extensions of gambling options in South Australia, including originally the Casino, the gaming machines legislation and a variety of other extensions to gambling. I take a view, as I heard the Hon. Caroline Schaefer indicate, that I do not see anything that is inherently evil, wrong or criminal in terms of people wanting to gamble and, indeed, in those who therefore help organise gambling options within the community.

My position has been consistent on that. I know that there have been some in the community who have sought to portray a view that, as Treasurer, I am being solely driven by the revenue that might come into the budget to be distributed to taxpayers and public services, I hasten to say—that in some way my views are coloured by that. I do not think that is a fair reflection on me. The views I express now as Treasurer are no different from the views I expressed as Minister for Education and for almost a decade or more in opposition in relation to these issues. As members will know, I am not a sensitive or litigious person so, when I am accused in the public arena of being addicted to the revenue from gambling or being—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: I didn't say who said that: I just said when I am being accused in the public arena of being addicted to revenue and all that that implies, and when I am accused by some—and again I make no specific reference to any particular person—of being cold and uncaring, and being more interested in revenue than in the genuine human misery of a small number of South Australians who are addicted, I take those slings and arrows. As I said, I am not a sensitive or litigious person in relation to those issues.

What I will say publicly—and I say so in this chamber—is that I believe it is an incorrect criticism of my position to infer that my position has changed because I am the Treasurer and that I am being driven by the revenue that I see, with dollars in my eyes, from gaming machines and gambling in South Australia.

I acknowledge the position of the Hon. Mr Xenophon. His very cause of political existence has been his task to attack all or most gambling providers, in particular gaming machines. He was elected on that platform and to his credit and to his constituency he has most assiduously pursued his task to some cost, I am sure, to his own personal comfort in terms of the time that he devotes to the task: he has been single-minded in his endeavours on behalf of his constituency.

I have to say—and I guess I am safe within these chambers—that I think the Hon. Mr Xenophon is a little thin-skinned. I certainly would not say that about him outside because I suspect that he may take legal action if I were to say outside the chamber that he was thin-skinned, but within the safety of these four walls—

The Hon. Nick Xenophon: Only if it's actual.

The Hon. R.I. LUCAS: I would say within these four walls that I think the Hon. Mr Xenophon is a trifle thin-skinned, if I can put it that way. He may think that I am a trifle thick-skinned, and that I am not caring enough of some of the concerns of individual members of the community who are afflicted by either sickness or addiction.

In talking about the Hon. Mr Xenophon's position, whilst, as I said, I acknowledge the genuineness in which he holds his views—even though I strenuously disagree with those views—I will defend to the end his right to take up those issues in a public arena and elsewhere. But before I address the details of his bill in particular, there is a matter that I need to raise during this debate and, given that we are within the safety of the parliament, this is the best place for me to raise this issue. The Hon. Mr Xenophon, as members would know, has taken exception to a number of things that I have said over the last 12 to 18 months, but on 4 September this year I said something which clearly, again, offended the Hon. Mr Xenophon. I want to place it on the record, because I want to explore the issue with the Hon. Mr Xenophon. The statement that I made in relation to the Hon. Mr Xenophon, and let me quote this, was:

> He was elected on a platform of getting rid of all gaming machines in South Australia.

It goes on:

> . . . and I don't think anyone could challenge that that is not an extreme view.

And obviously there is a continuation of the statement after that, but it is not quoted in the letter from the Hon. Mr Xenophon to me. The Hon. Mr Xenophon then highlighted in this letter to me that he, indeed, had been elected on a platform of only getting rid of pokie machines, he says, from hotels and not from clubs. I will explore that a little bit later. He also says that the legislation only refers to hotels and not clubs as well. The Hon. Mr Xenophon says that, because his position is only no pokies in hotels, rather than no pokies generally, he considers the statement that I made, that he was elected on a platform of getting rid of all gaming machines, to be:

> . . . false, misleading and injurious. Could you please indicate whether you are prepared to make a public retraction in the form of words to be approved by me so that this matter can be resolved between us expeditiously? In addition, I reserve my rights.

That is legalese, for those who have not yet been at the other end of Mr Xenophon, for, 'I'm on the way, I believe this to be defamatory, and if you don't do what I say you should do I am about to institute legal proceedings against you.' As I said, I thought I was being kind in saying I thought the Hon. Mr Xenophon was a touch thin-skinned. But the whole notion that he should threaten legal action and demand a public retraction because I happened to say, 'The Hon. Mr Xenophon was elected on a platform of getting rid of all gaming machines', and that he would believe that to be false, misleading and injurious to him and his reputation, I find quite extraordinary.

Members interjecting:

The Hon. R.I. LUCAS: Well, I have already said that outside. He is threatening. He is reserving his rights.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Exactly. What intrigues me is that on the letterhead of the Hon. Mr Xenophon upon which

he wrote this letter, 'Strictly private and confidential' to me, is 'Nick Xenophon MLC, Independent No Pokies Campaign'. It does not say 'No Pokies in Hotels Campaign'. It says 'Independent No Pokies Campaign'. It does not say, 'Pokies are okay in clubs.' I went back to his election campaign, and I went through all of his material, in terms of the stickers, the advertising, the particular title that he put on his—

The Hon. Ian Gilfillan: Did you personally do that?

The Hon. R.I. LUCAS: Personally, yes; I am very interested in this.

The Hon. Ian Gilfillan: Got the kids involved?

The Hon. R.I. LUCAS: No kids involved; I did all of this. Also, there were the how-to-vote cards. All of them actually say the 'No Pokies Candidate' or the 'No Pokies Person'. They do not say 'Nick Xenophon, No Pokies in Hotels'. The Hon. Mr Xenophon for 18 months or so has been quite happy to portray himself as the no pokies candidate. He has led everyone in South Australia to believe that he is against all pokies. His advertising was quite explicit. It had the circles that we know with the no smoking signs 'No Pokies'. There was no indication at all that pokies were okay in clubs. But if we did a survey of the supporters of the Hon. Mr Xenophon—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! I do not think the Treasurer needs help.

The Hon. R.I. LUCAS: —and asked them whether the Hon. Mr Xenophon supports pokies in clubs I would suggest—

Members interjecting:

The Hon. R.I. LUCAS: I am looking to see whether it would not be government funded; I might even do the research out of my own personal pocket. I would be intrigued to know the result. If we asked people whether the Hon. Mr Xenophon supports pokies in clubs, my view would be that—

The Hon. Nick Xenophon: We could go halves.

The Hon. R.I. LUCAS: We could go halves; you could use some of your winnings! I would be very surprised if more than 5 or 10 per cent of South Australians believed that the Hon. Mr Xenophon believes that pokies in clubs are okay.

The Hon. T.G. Cameron: Is this your opinion?

The Hon. R.I. LUCAS: I just said so. It is my opinion. You have to listen, Mr Cameron.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Well, you have not missed too much so far; you will catch up. I have not instituted formal legal advice yet; I would not do so yet on behalf of the government, but I have some friends, as indeed the Hon. Mr Xenophon does, in relation to various provisions in terms of misleading advertising, and various provisions in terms of federal and state law in relation to the Hon. Mr Xenophon and how he has portrayed himself in terms of his particular policy position. That will be an issue for me to explore, and we can explore that a little bit later. But there is this whole notion that, because a member has the effrontery, like the Treasurer, to say publicly that the Hon. Mr Xenophon was elected on a platform of getting rid of all gaming machines, the Hon. Mr Xenophon then says, 'I consider your statement to be false, misleading and injurious; I want you to make a public retraction; the form of words to be approved by me; and I reserve my rights.'

As I said, I am not a sensitive soul at all, and let me assure the Hon. Mr Xenophon I will not be deterred by the form of legal harassment and bullying that the Hon. Mr Xenophon is engaging in when something as simple as that—

The Hon. T.G. Cameron: We hope so. The taxpayers can't afford it.

The Hon. R.I. LUCAS: The Hon. Mr Cameron rightly says it; the taxpayers are not going—

The Hon. T.G. Cameron: It is twenty grand plus ten grand for legal costs, and we have had another forty on the way. You will need to put in more poker machines to pay your legal bills.

Members interjecting:

The PRESIDENT: Order! Honourable members will have a chance to come into the debate.

The Hon. R.I. LUCAS: The Hon. Mr Cameron rightly suggests that we might have to raise more revenue to pay for the defamation proceedings that the Hon. Mr Xenophon is instituting. But, Mr President, I indicate that I will not be deterred by a form of legal harassment and bullying from at least being able to put in the public arena and within this parliament a view that I genuinely hold in relation to this particular issue. People say in the public arena that I am addicted to the revenue, and they take those sorts of actions. I can assure them, and the Hon. Mr Xenophon can continue to do it, I am not a litigious person, and in 17 years—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, I said this publicly and I will continue to say it publicly.

Members interjecting:

The Hon. R.I. LUCAS: No, outside. I have spent 17 years in this chamber, nearly 30 years in politics, and in that time I can assure the Hon. Mr Xenophon I have been called a lot worse than the Hon. Mr Xenophon has been called in the past 18 months. In all that time I have never sought to take legal action in relation to the issues. I take a view that in relation to controversial issues there will always be a vigorous exchange of views within both the chamber and the public arena. We have the situation where someone says that he has been elected on a platform of getting rid of gaming machines, and I am collecting at the moment details of the number of people who have made similar claims about the Hon. Mr Xenophon, and statements over the past two years, and it is an impressive list at the moment. I am not sure whether they have had legal proceedings issued against them at this stage.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Xenophon and his lawyers can do their own work in terms of this matter, but it is an impressive list of people.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The government and I as a minister of the Crown need to be able to engage in sensible and rational public debate about issues such as this. When there is a very strong and vocal public commentary from the Hon. Mr Xenophon and a number of others in terms of a particular view on gaming machines, then equally there should be an equal and opposite opportunity for people who disagree with their views to put a point of view and at least be able to debate it without being subjected to that sort of legal bullying or legal harassment.

Members interjecting:

The Hon. R.I. LUCAS: I will not be perturbed. The Hon. Caroline Schaefer at the end of her contribution made a most telling point, that is, if what drives the Hon. Mr Xenophon and those who oppose poker machines is that they are inherently evil—

The Hon. Nick Xenophon: Rubbish!

The Hon. R.I. LUCAS: Why are you trying to ban them from all hotels in South Australia if you do not think that they are inherently evil?

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Well, because it must be evil.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Xenophon says that poker machines are not evil. Perhaps he would like to give me some other adjective.

The Hon. Nick Xenophon: Because some people get hurt by the product.

The Hon. R.I. LUCAS: Because they get hurt by the product. So, they are not evil but they ought to be banned from all hotels. How on earth can the Hon. Mr Xenophon rationalise the view that, if poker machines in hotels will hurt people to the degree that they ought to be banned from South Australia, gaming machines or poker machines in clubs all over South Australia do not cause hurt or harm to people and should not be banned? I challenge the Hon. Mr Xenophon to describe to me and those who support gaming machines the difference in terms of harm inflicted on a small number of South Australians between a gaming machine—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Let us not get into semantics of how small—we can talk about that at another time. Let us not get away from this principle. What is the difference between harm inflicted on a small number of South Australians from a gaming machine sitting in a club and a gaming machine sitting in a hotel? If the Hon. Mr Xenophon is honest about it, there is no difference at all. Some of us are still struggling to understand what is driving the Hon. Mr Xenophon in relation to the distinction. I do not know at this stage; it may be that someone will turn up information as to why he has a policy position which distinguishes between clubs and hotels. He has not been able to articulate, so far, why a machine in a hotel is harmful and ought to be banned but the same machine, if moved across the road and put into a club, is not harmful and should not be banned.

As I said, virtually all the Hon. Mr Xenophon's supporters would not understand that that is his position because his advertising and his slogans have always been 'no pokies' rather than 'no pokies in hotels'. He has always said that. His letterhead, which he sends to thousands of South Australians, does not say 'no pokies in hotels but they are okay in clubs', in terms of his own description of his policy position.

As I said, I have challenged the Hon. Mr Xenophon and I will be intrigued with his response. Those of us who are genuinely concerned—and I acknowledge that the Hon. Mr Xenophon is, too; I am not saying he is not, because all of us are genuinely concerned—will know or will take a view that the small number of people in South Australia who are addicted to gaming machines will virtually crawl over cut glass to get to a gaming machine.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers makes a telling point.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: It was a telling point: some of us will understand it, but others may not be able to.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Exactly.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order, the Hon. Mr Crothers! The chair is getting tired of the interjections from the Hon. Mr Crothers.

The Hon. R.I. LUCAS: I advise the Hon. Mr Xenophon to speak to people—as he obviously does; I am not suggesting he does not—the counsellors, who work with the small percentage of people who have this disease, this sickness, illness or addiction and ask them about his cause to get rid of gaming machines in hotels while allowing them to remain in clubs. How many counsellors would say that, because you have removed them from hotels, these addicted persons will not find a club in which to gamble? I challenge the Hon. Mr Xenophon to do as I have done and speak to the people who work with these people who are addicted. I challenge him to speak to them and, when he replies to the second reading, place on the record in this Council the information from people who support the view that these people will not be able to find an alternative option—that is, a club—at which to gamble and to lose.

People have said to me that, if these machines are removed from hotels, there will be fewer options, so it will be a bit harder. Comments such as that are comforting, but they do not address the hard question: if people are addicted and losing money, will you solve the problem by still having gaming machines spread all over country South Australia and the metropolitan area in places such as the Salisbury footy club, the Port Adelaide footy club or the West Adelaide footy club?

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I do not believe that you would remove some problems. If you are addicted—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I understand that the honourable member might have a different view, but he should let me put my point of view.

The Hon. T.G. Cameron: There is a big difference between a community club and a greedy hotelier.

The Hon. R.I. LUCAS: Look at this from the viewpoint of being addicted. A perfect example is my wife. We will go to a hotel and, because the machine is there, my wife will enjoy a punt on the gaming machine. It is an associated recreation with the main enjoyment of the evening, which is a meal and social company. If a gaming machine is there, she will go and enjoy it. My wife would not seek out a club—unless I drag her to West Adelaide footy club, which would be very seldom, knowing my wife—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: If she is picking me up to drive me home, she will be outside rather than inside. My wife is a perfect example of where there has been a big growth in gaming machine revenue, that is, casual, controlled gamblers who enjoy the night out. She will not seek out a club in which to gamble. If members talk to the addicts and the people who work with the addicts, they will not be able to come back to the chamber and argue that, if you close down the gaming machines at the Rex Hotel and all the hotels in the western suburbs, addicts will not drag themselves across cut glass to spend all their money on the gaming machines at the West Adelaide footy club.

It is a fundamental flaw in the logic, the philosophy and the policy position of the 'no pokies in hotels' candidate, the Hon. Mr Xenophon. If he genuinely believed that that is the only way to stop addicts from getting access to gaming machines, he would oppose pokies in not only hotels but also clubs—and anywhere in South Australia. He has put himself

into the unarguably flawed policy position of, 'It's okay to have gaming machines in clubs.' I am sure that he is not saying that he would want the addicts to go to clubs, but his policy position is saying, 'I believe it is okay to leave them in the clubs in South Australia.' As I said, it is a key issue in relation to this whole debate. It is linked to the issue about which I talked earlier, in terms of my stating that the honourable member was against all poker machines. As I have indicated, the Hon. Mr Xenophon needs to speak to the counsellors and the addicts concerned and to come back with some sort of response to this chamber.

I lead on from that to the other key issue. Clearly, as members have probably gathered, I am not supporting the banning of gaming machines in hotels or clubs. I supported their offering and, if I was asked to do so again today, knowing all that I know today, I would do exactly the same thing in terms of supporting gaming machines. However, I want to consider one of the other key aspects of the honourable member's legislation and, to be fair, not just his legislation but the whole debate about gaming machines—this whole notion of a cap. I am implacably opposed to the whole notion of a cap on gaming machines.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: There is a perfect example from the Hon. Ron Roberts of the sort of accusations I as Treasurer endure in this chamber and outside as well—

The Hon. Sandra Kanck: It is a tough life.

The Hon. R.I. LUCAS: Well, it is a tough life. As I said, I am implacably opposed to the notion of a cap on gaming machines. I think inherently it will lock in a value for the existing providers of gaming machines. Those that—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: That is what I am here for. I mean, I would have thought that I was entitled in a second reading speech—

The Hon. T.G. Cameron: You just don't pluck opinions from out of your backside, do you? What basis do you have for saying that?

The Hon. R.I. LUCAS: I pluck them from the same place that you pluck them from—not the same place but, in general terms, the same place.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: If I am allowed to expand, I will be happy to. A second reading contribution is an opportunity for members to put their opinions: that is what I am doing. This is a conscience vote—

The Hon. T.G. Cameron: You are the first one to jump up when someone voices an opinion, aren't you?

The Hon. R.I. LUCAS: I do not think that is fair either, Mr Cameron. As I said, I respect the views—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am happy to be reminded of the number of occasions when I have jumped up and complained about what people have said. If someone has said something that is wrong, I am entitled, as indeed the Hon. Mr Cameron is, to stand up and point out that what they have said is wrong. Certainly, people are able to have different opinions, and I have acknowledged the right of the Hon. Mr Xenophon to take a different view from me, as I am sure he would respect my right to disagree with his view. That is what I am doing now and I think I am entitled to put my opinion—

The Hon. T.G. Cameron: What is the basis for your opinion?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I will indicate the basis for my opinion.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Mr President, I keep getting interjections from the Hon. Mr Cameron. If he allows me to—

The Hon. T.G. Cameron: Because you won't tell us the basis for your opinion.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: What I will do between now and the committee stage is to provide some indication of the value of licences in other jurisdictions for the Hon. Mr Cameron—

The Hon. T.G. Cameron: The only time you have ever provided me with any information—

The PRESIDENT: Order! The Hon. Mr Cameron is not the only member in this chamber.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron!

The Hon. R.I. LUCAS: I will provide information for all members in the chamber in relation to values of licences in a number of areas, including gambling, when you restrict the numbers of licences. One area of which the Hon. Mr Cameron should have some knowledge is the taxi industry. I will refer the honourable member to—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I am not talking about the impact on fares. You asked me: I am putting a point of view on restricting—

The Hon. T.G. Cameron: If you cannot understand the analogy, that is your problem.

The Hon. R.I. LUCAS: Well, that might be true but, if you restrict the number of licences, that is, if you do not have a licence for everyone and you put a value on the licence—and I refer the honourable member to the taxi industry, the fishing industry and a number of other industries where the reason the licence—

The Hon. T.G. Cameron: Your ignorance is showing again.

The Hon. R.I. LUCAS: The reason the licence has a value is that—

The Hon. T.G. Cameron: But your ignorance is plain for all to see.

The PRESIDENT: Order, the Hon. Mr Cameron!

The Hon. R.I. LUCAS: —you restrict the number—

The Hon. T.G. Cameron: All the taxi plates are new.

The PRESIDENT: Order! I am tired of hearing from the Hon. Mr Cameron. The honourable member is not on his feet: the Treasurer is.

The Hon. R.I. LUCAS: The licence has a value because you restrict the number of licences. If anyone can get a licence in a particular industry, if you are trying to sell that licence to someone else, if you are allowed to, in itself it has no value, because anyone can get a licence under that sort of regime. Once you restrict the number of licences in an industry, you immediately place a value or a premium on them. That is the background to my view on gaming machines and gaming machine licences. If you restrict them, you place a value on those machines.

That is why, with due respect to my friends and colleagues within the AHA, I suspect they are a little equivocal about the whole notion of caps because, if you actually have a licence and you are already within the industry and it is capped, those who are currently within the industry obviously are protected from competitors who may well want to come into the industry, establish new hotels or clubs and compete with the

existing providers. I do not support that as a fundamental principle, and for that reason I will oppose the notion of placing caps on gaming machines.

There is another reason why I oppose caps: if the concern that all of us in the community share is the small number of people who are addicted and if we want to do something about that, we have to look at what genuinely we can do to assist that small percentage of people. That is why I think there is a purity in the view: 'Get rid of all gaming machines in South Australia.' The contrary argument will be that people can go interstate and all those sorts of things but, if your view is that you really want to do something about the small number of people who are addicted to gaming machines, I at least respect the purity and integrity of the view: 'Let us get rid of all gaming machines.' That is why I do not respect the view: 'Gaming machines in clubs are okay, but they are not okay in hotels.'

If you are driven by that particular view to help those who are addicted to gambling or gaming machines, how does it help if, instead of having 12 000 or 13 000 gaming machines in the community, you have 11 000 or 12 000? I use exactly the same logic that I used to argue against the Hon. Mr Xenophon's policy position on gaming machines in clubs to argue that, if you are going to cap the number of machines—and again members can speak to the counsellors and others who assist people with addiction—you will not assist in any way at all those who are addicted by restricting the number of machines to 11 000 or 12 000 (or pick whatever number you want), because those who are addicted will crawl over cut glass to get to those 11 000 remaining gaming machines. It is exactly the same argument as with the clubs.

If you want to tackle the small percentage of people who are addicted, there is no logical, rational reason why a cap on gaming machines will assist you in that policy course. It might make you feel good and it may well mean that you are able to justify a public stance that we are doing something about gaming machines. However, I say to those people, if they are successful in putting a cap on the number of gaming machines, that in five or 10 year's time, when you do the same market research in relation to the number of people with problem gambling, all other things being equal, you will still have the same number of people with a problem with 11 000 machines as if you had 12 000, 13 000 or 14 000 machines.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Premier opposes gaming machines: I support them. I would have thought it inherently self-evident that the Premier and I, whilst we agree on 99 per cent on things (including our football club), do not have a similar view on gaming machines. I do not think it is a telling interjection to say that I have a different view from the Premier in relation to gaming machines.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: He may have a similar position to that of the Hon. Mr Cameron, and that is fine. I respect the Hon. Mr Cameron's position. I respect the Premier's position. I respect the Hon. Mr Xenophon's position. All I say is, allow those of us who have a different view to continue to argue the case in this chamber and outside. It is no surprise that the Premier and I—and, indeed, the former Premier and I—have different views in relation to gaming machines. If we are talking about actually trying to assist—and ultimately it is a question for the government—I do have great sympathy for the view that as a community we need through our government to provide more funding for those agencies that work with problem gamblers.

In the response that has gone back to the Social Development Committee—and let me assure members that the diversity of views in government agencies and departments is no different from the diversity of views in this chamber—the government has said that it is sympathetic to the argument that additional funding needs to be provided and will be considered as part of the budget preparation for next year, when budget deliberations start in December. Obviously, I do not have the final say on these issues, but as Treasurer I have an enormous degree of sympathy with the argument that we need to provide additional funding.

How we do that and the structure for doing that is an important question for this chamber and for members to discuss. Do you provide that money to the existing Gaming Rehabilitation Fund structure or do you try to establish your own government structure? Do you do it through an existing government agency or do you collaborate with the existing GRF scheme? There is a variety of options one can look at, and I do not have a concluded view on that. Most of us would agree that we need to provide additional funding. I have great sympathy for that and I would be very hopeful that, in next year's budget, the government might be able to make some announcement that would be warmly received by all of us with a genuine interest in trying to do more for those with a gambling addiction.

When you talk to the counsellors, as I have done in the last couple of weeks, about caps, clocks, warning signs and all those things; when you ask them what would actually help the people they are working with, the bottom line for most of them is: 'Give us the funding and support to be able to help some of those people, unless you are prepared to ban them and get rid of them completely.' There is a purity of view about getting rid of all gaming machines, as I have said before. Many of the people I have spoken to would gladly ban all of them in South Australia.

As I said, that view has its integrity and consistency, but most of them would acknowledge that they believe the parliament will not vote for a complete ban on gaming machines in hotels or on all gaming machines in South Australia. I have a relaxed view about clocks and warning signs and those sorts of things. If others see them as important, I do not think that I would see myself standing in the way of providing those sorts of changes. But they are peripheral: they are marginal at best.

The next most important thing people say is: 'Give us the assistance to work with that small number of people who are addicted.' The government has indicated, albeit in the sort of code we have to use before budgets are prepared, its genuine willingness to consider this option and to look sympathetically at a notion of providing additional funding for counsellors and other agencies that work with that small percentage of people who have a gambling addiction.

In relation to the number of gaming machines I made an interjection, I think yesterday, which the Hon. Mr Xenophon disagreed with, and this evening's debate gives me an opportunity to further expand on the reasons why I made the interjection. Over the past few years, up until this year, we have seen a plateauing in the number of gaming machines in South Australia. There has always been a difference between the number actually installed and in use and the number actually approved.

I know for a fact, because the owners and operators of some hotels and clubs have spoken to me, that some of the people who have had approvals for machines and not filled up the total number, or those who had not yet had approvals

but were waiting to purchase more machines when they had raised a bit more money and would do it in a more considered way over a number of years, have been most concerned at the public debate in the past 12 to 18 months. They were most concerned that machines in South Australia would be capped at the existing numbers or at the existing numbers in operation.

The Hon. T.G. Cameron: That's why they are sitting on machines.

The Hon. R.I. LUCAS: That is not why they are sitting on them, and the Hon. Mr Roberts is obviously aware of this as well. A number of them have made the judgment that, if the parliament is to make a decision like this, it will operate from a certain date; that it will not be made retrospective. What they have been doing—

The Hon. T. Crothers: It's what has become known as the cat scan trick!

The Hon. R.I. LUCAS: The cat scan trick, as the Hon. Mr Crothers has indicated. What they are doing is trying to beat the parliament to the punch. Because of the public debate, a number of operators have taken the position that they will get in before the parliament puts a cap on the number of machines. They have actually put in requests for approvals in terms of numbers of machines perhaps a little bit before they were going to do so or, if they had an approval for a certain number and have only had an operation of a lesser number, they have taken up the approval numbers before they thought they were financially justified.

But they have consciously taken the decision that there is a possibility this might occur, and that is a sensible business decision. The Social Development Committee has canvassed a cap; various anti-gambling crusaders have talked about a cap; members of parliament have advocated a cap; we have had a vote on a cap in this chamber (and I think in the House of Assembly as well) which, so far, has not been supported, and they have been taking that conscious decision to add.

That is one of the reasons why I believe we have seen in this last 12 months a jump in the number of gaming machines in South Australia. That is why I made the statement I did yesterday that one of the reasons for the jump has been the public position of anti-gambling crusaders and those who support a cap, and that people have hastened the delivery of gaming machines in their outlet. What we are talking about here is a short-term increase, but eventually most of these providers, probably all of them, would have phased in the total number of gaming machines. What we are therefore seeing is a short-term increase above what we have seen over the past few years. That information about the plateauing effect of the total number of gaming machines in the past few years is available in the Gaming Commissioner's annual report.

I will highlight just some of the government's responses to the Social Development Committee without going through all of them, as that information will form part of the record of the committee's evidence, and I am sure that that is available to all members and not just members of the committee.

The issues of the cap on the number of gaming machines, the statutory limits on gaming machines within hotels and clubs, linked jackpots in gaming machines (which is currently illegal) and gaming machines with a capacity to accept all denominations of money including notes are the four areas that the government believes should be ultimately determined by members in a conscience vote in the parliament. There is no formal government position—nor is there a formal Labor Party position, as I understand it—on all those recommendations from the Social Development Committee.

The committee has recommended that it believes that no one minister should be solely responsible for all areas associated with gambling. Again, I am not a sensitive soul; I did not take this as a slight on me as Treasurer, that in some way members felt that you should not let the cold, uncaring Treasurer be in charge of all gambling in South Australia.

The Hon. T.G. Cameron: That recommendation had more to do with the incumbent Treasurer.

The Hon. R.I. LUCAS: Is that right? I am indebted to the Hon. Mr Cameron for his contribution. The government's response highlights that no one minister is solely responsible for all areas associated with gambling activities in South Australia; for example, the Minister for Government Enterprises, Michael Armitage, is responsible for the Lotteries Commission and the TAB. The Minister for Industry is also the Minister for Racing, and he is responsible for the regulation of bookmakers in South Australia. The Minister for Human Services is clearly responsible for the Gamblers Rehabilitation Fund and the associated provision of counselling services.

A false impression has been created that in some way the Treasurer is solely responsible for all gambling matters in South Australia. Let me make it quite clear, as the government's response does, that I am not responsible for the TAB, the Lotteries Commission or the regulation of bookmakers. However, I do have responsibility—albeit through a statutory authority, FundsSA—for the operation of the casino, and I am responsible for taxation policy and the collection of revenue. Although, those areas in relation to taxation are government policy issues, so ultimately they are decisions not for me alone but for my party room and ultimately cabinet. In relation to taxation, ultimately the parliament votes—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, we actually increased the taxes significantly. I am sure your hotel friends will tell you, in last year's budget—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, it was a state gambling tax on gaming machines. I am also responsible for small lotteries and the Lotteries and Gaming Act. In relation to the committee recommendation for a code of advertising practice appropriate to each gambling code, I will not go through all the government's position. However, the final paragraph is important. It states:

> Consistent with the principle of industry self-regulation, the government will require the new operator of the casino and any new operators of the TAB and Lotteries Commission (if the government decides to sell the TAB and the Lotteries Commission) to prepare and then comply with the voluntary code of practice for advertising and promotion. After a period of two years the government will review the effectiveness of the voluntary code of practice model before considering mandatory models.

Again, there is a considerable degree of sympathy from the government to the notion that we need to see responsible advertising. Credit should be given where credit is due to the hotels and clubs for their voluntary code of practice, and there is an indication here that the government will move down that path with the new operators of our gambling institutions in South Australia. I am considering what model we will use for that—whether we will look at legislative change, whether it will be a requirement of the licensing agreement or whether we will just seek their agreement to do so, with the threat

perhaps of legislation further down the track if they do not comply.

Another major recommendation is that all gambling codes should contribute to the Gamblers Rehabilitation Fund. I responded to that, albeit tangentially. I said earlier that there is a view that more money needs to go into gamblers rehabilitation. I have indicated my view on that issue.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, that's obviously an issue that will be the subject of budget discussions.

The Hon. Nick Xenophon: The Government doesn't give anything for rehab revenue at the moment, does it?

The Hon. R.I. LUCAS: That's what I said earlier. I acknowledged that there was a genuine case to be made for more money, which would have to come from the government. I do not support the view of an additional tax on hotels and clubs, for example, which would be hypothecated to gamblers' rehabilitation. The government should not go down this path as it is already taxing hotels at the highest rate within Australia, and money is coming into the budget. That money is being spent on health, education and other public services. In the preparation of next year's budget, if the Government agrees with the view that it should put more money into gamblers rehabilitation, it will need to look at its budget and cut back in other areas, or raise revenue in other areas to provide additional funding for gamblers rehabilitation.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, but the windfall is being spent. There is this view that in some way the Treasurer takes this windfall, puts it in his pocket and doesn't spend it. Let me assure members who might have that view that the Treasurer does not do that. The money gets spent—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron makes the point that we are certainly not sitting on the money. We are actually spending the money on community services and on public services. If the government wants to put in additional money, it will not do it by hypothecating a particular percentage from all gambling providers and putting it into the rehabilitation fund. We are already taking taxation revenue from the gambling industry. It is a budget decision as to whether or not we allocate additional funding for these particular areas. As I said, I would be a supporter of additional funding, although I acknowledge that this is an issue for the government to take a decision on in the lead up to the next budget.

Another recommendation is that gambling venues be required to display in a prominent position appropriate and relevant information on how to contact gambling, rehabilitation and counselling services. The government's response states:

> This is already required for gaming machines. It is a condition imposed by the Liquor and Gaming Commissioner on all gaming machine licences.

However, the government acknowledges the following:

> Mechanisms will be put in place to require other significant gambling venues such as the casino and TAB outlets to display such information. Relevant ministers will determine the appropriate arrangements.

Again, there is an indication of the willingness of the government to listen to the views that have been put by the community—and, more particularly, the Social Development Committee—to set in place some changes. I could cover many other areas, for example, linked jackpots, and a variety of other issues, but time does not permit me to do so. I will put my views during the committee stage of the debate.

Having regard to the Social Development Committee, I would like to comment on satellite, internet and interactive home gambling. The committee recommended as follows:

> The preference of the committee would be to see interactive home gambling banned and it recommends that the national task force investigate the technical feasibility of achieving this. However, should this be impossible, the committee recommends that ...

And a range of recommendations is then listed. As members will know, the Legislative Council has already established a select committee to look at this issue. So far, the committee has heard half a dozen or so expert witnesses on this issue. I know that I have a view that is different from the view of one or two other members on the committee. They may well have a different perception: let me acknowledge that. Let me say that I do not think that any of the experts have yet agreed with the view that one can ban interactive gambling. They have certainly come up with some other suggestions in terms of regulation and various other models.

I also note that, since the release of the national model to which the states in principle, and South Australia, have agreed, the federal Treasurer referred Australia's gambling industry to the Productivity Commission. The scope of the inquiry is broad and includes at clause 3(f):

> . . . 'the implications of new technology (such as the internet), including the effect on traditional government controls on the gambling industries.' The Productivity Commission has recently released its draft report which supports the managed liberalisation approach to internet gambling with strict regulatory controls to ensure integrity and consumer protection.

I am intrigued that anti-gambling crusaders have been quick to quote the Productivity Commission to support their case in relation to anti-gambling measures. However, anti-gambling crusaders, such as the Hon. Mr Xenophon, have been strangely silent on the Productivity Commission's—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: They have been strangely silent. It must have been very quiet criticism, said in the privacy of the honourable member's own office, perhaps, so that not too many people could hear. Anti-gambling crusaders have been strangely silent on this provision, that is, they have quoted at length the Productivity Commission's report. They have held it up to be a report to be acknowledged, respected and supported in relation to its anti-gambling recommendations, but the Hon. Mr Xenophon, as he has indicated, has been critical of the Productivity Commission in relation to its recommendations on internet gambling.

It is important for those people in South Australia who enjoy a quiet punt with the TAB and use home betting to know that advice provided to me is that the Hon. Mr Xenophon in his bill is seeking to ban (I am not sure whether he would actually make them criminals—perhaps he can provide advice) those many South Australians who telephone bet with the TAB. As I said previously, I think that the Hon. Mr Xenophon has extreme views in relation to gambling. This legislation has been two years in the making, so I do not think that one can say that the honourable member has been rushed to print in terms of consultation in addition to the formidable array of legal advice available to him, including QCs.

It is a considered position and my advice, quite clearly, is that the honourable member is seeking—but not publicising it—to ban those many thousands of South Australians who

quite happily have a telephone bet with the TAB. Indeed, many hundreds of South Australians who telephone bet with interstate TABs, such as the New South Wales TAB—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Xenophon is now saying that he does not agree with that and that it was not his intention to do that. This bill, as I said, has been two years in the making. A formidable array of legal advice has been made available to the Hon. Mr Xenophon in terms of drafting this legislation. It is clear that its intent is to ban telephone betting in South Australia for those many thousands of South Australians who enjoy it. My advice is that the Hon. Mr Xenophon is striking at those who bet with the Northern Territory agency, Centrebet—those unsuspecting punters in South Australia who telephone from South Australia to bet in the Northern Territory.

This is not just the Hon. Mr Xenophon's No Pokies in hotels bill: this bill strikes at the heart of the enjoyment of many South Australians who have quite happily for many years placed bets with the TAB, Centrebet and a variety of other betting outlets. It is doing so in a clever way, because the focus is on the gaming machine debate, away from these other areas. It is important that members of this chamber and others who follow this debate—the 25 or so avid readers of *Hansard*—do know, acknowledge and understand that this bill is clever in its construction but is intended to do much more than just ban poker machines over the next five years in hotels in South Australia.

There is another provision which I hope the Hon. Mr Xenophon will argue is an unintended consequence. Advice provided to me indicates that one of the honourable member's provisions would strike at people who go outside a gaming machine venue to ATM machines: they go outside the venue, go to an ATM machine, withdraw money on their credit card, come back into the gaming venue and gamble. The Hon. Mr Xenophon, in effect, is trying to prevent people from doing that and placing the onus on the licensees to distinguish people who have done it.

If one thinks through the practicalities of how on earth any gaming machine licensee would know whether someone has left the venue and gone to an ATM machine to get money on credit as opposed to cash out of the car or whatever else they do to get money with which to bet, one can see that it is impossible. That case may well be an unintended consequence of the Hon. Mr Xenophon's legislation. I would be recommending to the honourable member that, if that is the case, he take further legal advice in relation to the provision and, if it is an unintended consequence, file some amendments in relation to that provision of the legislation.

The Hon. R.R. Roberts: What clause is that?

The Hon. R.I. LUCAS: The amendment of section 52, under clause 47, 'Prohibition of lending or extension of credit'. There are a number of other provisions that we will need to look at in greater detail in committee. We will need to look at the whole notion of how we define gambling addiction. The Hon. Caroline Schaefer made some very important points in relation to that. A gambling addict to the Hon. Mr Xenophon will probably not be seen by some of us as a gambling addict. I am sure that he would have a broader definition of 'gambling addict' than I have. In essence, as we debate these issues, that does not count for much. If someone has a problem, they need to be helped but, when one looks at some of the provisions of the honourable member's bill in relation to the importance of the definition of 'gambling addiction', one sees that they take on greater legal significance and it is therefore important to agree on what we all think to be a gambling addict.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: One can look at the Productivity Commission's version of the numbers. Time does not permit tonight but I had intended to highlight some of the statements made by the Hon. Mr Xenophon about the extent of the gambling problem in South Australia and how he has, on various occasions, selected the different measures that the Productivity Commission has used in its report to make it appear that the gambling problem in South Australia is worse than it might otherwise appear to be. That will be an issue to which I can perhaps return in committee. I say to members as they contemplate the position that the whole definition of 'gambling addiction' is important. It is not an esoteric argument now: it is in the legislation and we need to agree in some way on what we all consider to be gambling addiction.

The other issue that will obviously create enormous difficulties for governments of whatever persuasion are the honourable member's provisions in relation to compensation and leaving the Crown liable for compensation—clause 17 of the honourable member's bill, 'Crown to compensate victims of gambling related crimes'. What the honourable member is setting up in that clause is a scheme. I admit that it will be a lawyers' paradise: his colleagues in the profession will be delighted at some of the provisions in this legislation because there will be plenty of work for lawyers. I think that we all have to look at it seriously, including those members who support restrictions on gaming machines and gaming machine opportunities. I caution members to look closely at this notion of the Crown being liable for compensation for victims of gambling-related crimes.

Let me assure members of the Labor Party that at some stage in the future they may be in government again, and this provision, if supported, is a sledgehammer waiting to hit a government of the future. The legal system of the future will be a most fertile ground for lawyers in terms of arguing who is a victim of a gambling-related crime. This is where the definition of 'gambling addiction' comes into it, because the provision states that the court has to look at the following:

> (a) that the defendant at the time of the offence was suffering from a gambling addiction—

so the court has to establish what is a gambling addiction—

> and,
>
> (b) that there was a causal link between the defendant's gambling addiction and the commission of the offence,
>
> . . . [and] who suffered economic loss as a result of the offence.

So, the court may make an order requiring the Crown to pay compensation to any person who suffers economic loss as a result of the offence.

That is an extraordinarily wide provision: any person who suffers a loss can claim compensation. The order for compensation under this clause can go up to only $10 000, so there is a cap in terms of the compensation; but in terms of the number of people, I am not sure. I have not had legal advice in relation to this, but the Hon. Mr Xenophon might have an immediate response. If, for example, you have eight children, a partner, a mother and a father, and a variety of others nearest and dearest who have been affected in some way by a gambling addiction, does the honourable member's $10 000 cap apply to anyone who is so affected?

The Hon. Nick Xenophon: There are various criteria, and I am more than happy to address that.

The Hon. T. Crothers: I'm sure that will provide a rich province for the legal profession.

The Hon. R.I. LUCAS: It will. My reading, not as a lawyer, is that this provision would apply to any person who is able to make that case. So, if you have 10 children, two parents, six partners and four friends—

The Hon. T. Crothers: And 25 adopted children.

The Hon. R.I. LUCAS: —and 25 adopted children, or whatever, each could line up for their lick of the lolly at $10 000 a pop, and each could have their lawyers arguing the case in terms of this. As I said, this is fertile ground for someone wanting to make fertile ground for the legal profession. I admit that I am not one of those. Even if I were, I think there are significant problems in this section of the legislation, and I would ask members, as I said, who may have a completely different view to me, to at least have a close look at this provision before indicating to the Hon. Mr Xenophon that they will sign up to support it.

Another provision is 'Information on lottery and betting tickets'. This requires warning signs on lottery and betting tickets. I am not sure how recently members have bought a lottery or betting ticket, but they are fairly small and the small print is already hard to read. The Hon. Mr Xenophon stipulates the size of the lettering to be used in this provision. I presume that bookies will have warning signs on their betting tickets. This also applies to the Lotteries Commission, so I assume that all scratchie tickets, and obviously lottery tickets, will be covered with warning signs.

As I said, I am a bit relaxed with the notion of significant warning signs in gambling outlets like the TAB and the casino, and I have indicated our willingness to support those provisions. I pay credit to the hotels and clubs for putting a warning sign on each gaming machine. That might help a small number of people, but I remain to be convinced. If the community would like to see those warning signs put on each gaming machine, I do not have a problem with it. But when you extend that to every scratchie ticket in this state and every betting ticket that a bookmaker has to issue and a variety of others, I think we are stretching the bounds a little bit in terms of the integrity of an approach in relation to gambling regulation in South Australia.

I am relaxed about the provision in respect of clocks. However, there is a provision relating to a prohibition on food and drink. The Hon. Mr Xenophon wants to outlaw it, as follows:

> (1) A person or body to whom this section applies must not provide or offer to provide a person with, or allow a person to consume, food or drink within any of its gambling venues.

I just think that that is an extraordinary provision. Almost 100 per cent of people—the vast majority—who enjoy gambling in the TABs, hotels and clubs, and in the Casino in South Australia, and who are quite capable of having a glass of Coke-a-Cola, a cup of tea, or maybe even an iced bun or a lolly, suck on a Quick Eze indigestion tablet—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The notion that the very many South Australians who enjoy food and drink, at the same time as they enjoy gambling, should be banned from doing so is, I think, extreme in terms of its legislative intent. There is a maximum penalty of $20 000. So, if you are caught sucking on a lollipop in the gaming area of a hotel, there is a maximum fine of $20 000 for that outrageous offence, or for having a cup of tea. If members support provisions like that, we will be the laughing stock of Australia.

There are provisions in relation to intoxication which exist in the Liquor Licensing Act. We have put a provision into the casino licensing agreement which refers to—and I do not have the exact words—people knowingly allowing someone to gamble when they are intoxicated.

The Hon. T. Crothers: A special precedence has been set about bar persons serving people liquor to the extent of their becoming intoxicated.

The Hon. R.I. LUCAS: The Hon. Mr Crothers has indicated the precedence and the existing provisions in the liquor licensing legislation. That has been extended, as I said. We are undertaking that with the casino in terms of the approved licensing agreement with the new operator. I think that we can sensibly look at people who are clearly intoxicated and try to ensure, to the extent that you can—because there are a few quiet drunks in this world, as we all know—that they stop gambling. But to extend it, as this bill seeks to do, so that people cannot have a cup of tea or any food or drink within gambling venues, with a maximum penalty up to $20 000, is extreme legislation and should not be supported by members.

I have only highlighted five specific clauses of the legislation. There are many other areas in the legislation where there are fatal flaws in terms of the legislative intent. I would urge members to be cautious because, in each of those provisions, such as clause 52 to which I referred, there are hidden traps. What looks to be innocuous on the surface would have vicious legislative intent if it were enacted.

As we come to debate the committee stages there will obviously be a long debate about many of the other provisions, which I do not have time tonight to address. As I said, I have only addressed four or five of the key provisions within the legislation.

Members interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Xenophon knows, I will not be here for the next Wednesday of sitting, and I do not want to delay the debate. I will not seek leave to conclude. That would be unfair of me. In the time that I have had available this evening I have indicated my view. As I said at the outset, I think this is flawed legislation. I cannot see much prospect of my supporting this in any way at the third reading, whatever its form might be. I will indicate that there are one or two provisions not only canvassed in this legislation but other provisions that I am looking at, and it may well be that an alternative proposal by another member of parliament may be able to pick up, without actually broadening into this very broad arena of this particular piece of legislation. My view at this stage would be to support the second reading, to oppose most of the provisions in committee and then strenuously oppose the bill at its third reading.

The Hon. T. CROTHERS: I had not intended at all to enter into this debate at the second reading but, unfortunately, the responses to some of the inane interjections that I have had to suffer for five or 10 minutes, in spite of my warning against them, fell on deaf ears. Those ears are now leaving the chamber. I want to place on record my gratitude for the logical and rational exposition that the Hon. the Treasurer has made to this Council in his very worthy contribution tonight in respect to the private member's bill standing in the name of the Hon. Nick Xenophon. I accept most of the rationale that underpinned his remarks, telling rationale, such as why it is only hotels and not clubs, and indeed there are other venues other than hotels and clubs that have poker machines, and I must assume that they, too, like the clubs, if the specific reference is to hotels, must also be exempt from the private member's bill.

I rise in my place to put on record what I have done over the past 30 years or so, which gives me more than a working knowledge. It is a better working knowledge perhaps than most people within both chambers of this parliament. I was the shop steward at the brewery for a number of years. I was the vice president and then president of the Liquor Trades Union for a record term, most of which was unpaid. I became a paid official of that union, subsequently becoming assistant secretary and secretary of that union for a period of time, prior to my entering this parliament. So any claim I might make to knowing the industry is not exactly based on stony ground. In addition to that, I lived for some periods of time in Victoria and New South Wales and got to know the industry there and so thus was able to have a couple of other models to compare our industries here against.

When I was secretary of the union, some 12 years ago, the number of licences changing hands each month, as per the *Government Gazette*, in hotels, not in clubs but in hotels, varied anywhere between 30 to 50 per month. When you bear in mind that there were 604 hotels in this state at that time, that will give you some idea of the problems that hotels were having in respect to their business remaining economically viable. Need I say that the hotel industry on its own is an employer directly of more than 12 000 South Australians. I understand that the figure may well be 15 000, but I will err on the conservative side—12 000 South Australians.

The facts are that, no matter what form gambling takes, there are always addicts. There are always addicts in respect of anything, but if someone is addicted to pills or to drugs you do not deny them the only form of treatment that will effectively cure them; taking away, reducing or minimising the quantum of gambling opportunities for him or her will not reduce that addiction one iota. I lived in Sydney prior to the licensing act in the hotels becoming much more extant and, of course, history records about the baccarat clubs and Perce Galea, of glorious memory, long since deceased, who was one of the major players in that. But, of course, the baccarat clubs in Sydney gave rise to organised crime, who had the baccarat clubs as their cash milch cow.

We did not have the TAB here years ago. One of the union organisers who worked for me in the Liquor Trades Union was a former SP bookie in a pub, the Britannia Hotel, and every hotel in this state, when the only legalised form of gambling you could have was at the racetrack, had its own SP bookie. There are still a few of them left, but now that that form of gambling, punting on horses, on dogs and on greyhounds, both here and interstate, is available to the average punter there are very few illegal SP bookies left. Of course, one of the problems with illegal SP bookmaking was the amount of revenue that was lost to the Treasury of the state, of any government, by their operation, because they operated in the darkness and in the closeted corners of our society. But they were there in every hotel and freely available.

So closing down the areas where people can gamble or diminishing them in number does not stop the problem gambler, does not stop the ordinary gambler, the average gambler. Of course, as far as poker machines are concerned, I well recall the case here with old railway tunnels in the Adelaide Hills—now being more appropriately used for growing mushrooms—being used for operating an illegal casino, replete with gaming machines, with poker machines.

I well understand the concern expressed by the Hon. Mr Xenophon in the turn that has been taken by some hotels, but this does not address the problem of the problem gambler, not if we have regard to part of the rationale that the Hon. Mr Xenophon puts forward for his abiding interest in this matter, that is, to assist the people. But as the Treasurer rightly said, there are other and better ways to help the gambling addicts.

I might draw the attention of the Council to the fact that poker machines first became lawful in this state as a consequence of a former treasurer, the Hon. Frank Blevins, introducing a private member's bill in respect to legislation being brought in to allow the operation legally of poker machines in South Australia. I well recall the debate which went on day after day in this Council, and finally passed this Council by the narrow margin of 11 votes to 10, and thus was gazetted into law. Frank Blevins, like myself, is a non-gambler but he is also somewhat of a civil libertarian who believes in the intelligence of the ordinary citizens of this state, the capacity of those people to make up their own minds.

One of the problems about society today—and one of its weaknesses—is that thanks to the machinations of the media—printed, electronic and audio—people have lost the capacity to think for themselves. They allow the media to develop their thought patterns; they just switch onto Channel 10, the ABC, Channel 7 or Channel 9 to hear what the newscaster says and then that is their opinion—based on no more logic than that. If you want to coddle the intellectual ordinance of the human race, you do that by being narrow of focus in this parliament and other legislatures in respect to doing all the thinking for people themselves.

I have an abiding faith in the human race in respect of thinking things through for itself. I have always been a civil libertarian in that respect, whatever my own personal viewpoint. I might point out to the chamber that I have never had a bet in my life: I am not a punter. But I believe that those people who want to bet in any way, shape or form should have that right. When Frank Blevins' private member's bill came into operation and permitted poker machines to be operated legally in this State, this Council set up a select committee, which I chaired. That select committee was set up for the single purpose of determining what quantum of money should be forthcoming from poker machine revenue in respect of treating the problem gambler. The parliament was prorogued, so the committee never finished its work and has never, in respect of that matter, up until recently, been reconstituted.

But during the evidence we took from the public of this state when the committee was sitting, we heard from the missionary who helped the addicted gamblers at the Central Mission. It is recorded on the minutes of that select committee: when asked what his opinion was about gambling and poker machines, in particular, he said, 'I am not opposed to them'—a man, if you like, at the coalface of gambling addiction. Indeed, the other analogy that springs instantly to my mind is that this bill is analogous to the man who cracked the walnut using a 24 pound sledge hammer. I say to my colleagues, 'There are better ways in this Council of dealing with the problem of gambling addiction.' It will not go away. Even if you outlaw all forms of gambling in this state, anyone who wishes to have a bet will have a bet. When we had no poker machines here, the triangle taking in Wentworth and Mildura was making a small fortune from dozens of bus loads of Australian poker machine punters heading up the road through Renmark, into Mildura and out to Wentworth and Robinvale, and spending their money on playing the pokies.

The Treasurer raises a very valid question. If the Hon. Mr Xenophon is fair dinkum and wishes to deal with this matter, why not outlaw poker machines in totality? He tried to put forward a point of view that he had some sympathy with that. Well, I have not, because people can go into New South Wales and Victoria and play the poker machines there. Any taxation revenue that the cash-strapped Treasury of South Australia has in respect to taxes on existing poker machines will be forgone and South Australians, who have recently had huge impositions of additional taxes imposed on them, will not be very happy when the government of the day—whether Labor, Liberal or Democrats—has to impose a sufficiency of increased tax revenue to assist it in running the day-to-day affairs of this state.

The interesting aspect is that the fellow who was the gambling missionary from the Central Mission, when asked the question directly by me in the previous select committee as to whether he opposed gambling machines and gambling, said, 'Absolutely not.' His view was the same as that expressed by the Treasurer.

The Hon. Diana Laidlaw: Who said that?

The Hon. T. CROTHERS: The fellow who gave evidence to the select committee that I chaired on poker machines in respect to the treatment of gambling addicts. He was the man who was the head serang for the Central Methodist Mission (as it was at that time) in respect of treatment for people with gambling addiction. I believe that gambling addiction is a disease—no less a disease than addiction to hardened drugs. It is a drug of the mind and soul as opposed to other forms of drug taking being a drug of the mind. But if you do not want to receive the message, Mr Xenophon, shoot the messenger. You listen carefully to the messenger's message, then you take the most appropriate action to maximise the effectiveness of your treatment. The Treasurer has outlined that, and I hope and trust that within the next 12 months, contingent upon certain reports being given, he will move heaven and earth to show that a significant amount of money—$5 million, $4 million or whatever—is taken from gambling revenue and put into a fund—call it Gamblers Anonymous, if you like; we already have Alcoholics Anonymous—that is aimed solely and more appropriately to deal with the problem.

I want to say one last thing and I will mercifully be brief because I will have more to say in the committee stage. All the temperance leagues in the United States in the late 1800s and early 1900s worked assiduously and hard to ban and outlaw the consumption of liquor within the American states. Because of the American Constitution, the federal government could not pass a federal law to do that but it could pass a federal act which the states could then adopt. After many years of the temperance ladies and their followers storming the barricades time and again about having alcohol banned, finally in the 1920s what has become known as the Volstead Act was passed. The Volstead Act was passed by the American Federalists, giving the states the right to legislate in respect to banning the consumption of liquor. Only 13 of the American states did that, but they were all the important states down the eastern seaboard, all the older states, almost like a declaration of independence—independence restated.

Going back to 1778 after the surrender of the British under Cornwallis to Washington at Yorktown, the British band marched out playing, with arms reversed—and the world turned upside down. Is it not marvellous how history can sometimes repeat itself, even unknowingly? The Volstead Act had the following impact before it was repealed. It made organised crime—the Irish; the Damon Banion Gang and others; the Legs Diamond Gang; and the Italian mafia under leaders such as Lucky Luciano and Scarface Al Capone—who died of syphilis some time after the Second World War—

The Hon. Diana Laidlaw: Your knowledge of trivia is just mindboggling.

The Hon. T. CROTHERS: And principle, too. I am glad you said that; sometimes my own mind boggles under the strain of the rope. My memory is prodigious as well—built like an elephant and memory is similar.

The Hon. R.I. Lucas: Did you say you were built like an elephant?

The Hon. T. CROTHERS: Absolutely; the muscle stops here and the activity commences there. I might say, the impact of those 12 years led to bootlegging and thousands of murders. Did it stop the people of America drinking in the states where prohibition was in place? Did it bloody hell! What it did was, for the first time in American criminal history, give a secure financial base from which organised crime has operated ever since. Gone is the Irish gang on the west side. The Mafia is still there—and they are respectable business people now. There was even a Jewish Mafia operating as well. In fact, the money man for the Mafia, the man who left casinos in Cuba to the last possible moment, though a member of the Mafia, was himself a Jew. I do not say that because of any sectarian viewpoint that I may or may not embrace; I say it to show how widespread crime can become when easy pickings by way of money is on the go.

If the Hon. Mr Xenophon has his way and abolishes all forms of gambling in this state, he will simply drive the operators underground. We will go back to the days of the SPs, the baccarat clubs in New South Wales, the illegal nightclubs in Victoria and the days when former railway tunnels now used to grow mushrooms in the Adelaide Hills were small operating casinos with poker machines installed.

I again pay tribute to the Treasurer. He has very clearly and in a very timely sense shown us all; that is, those of us who listened to his reasoned logic and rational approach. He has clearly outlined his reasons to the members of this chamber who were listening in-depth to him and not to those who sometimes come back after dinner with skewed interjectory interlocution. For those reasons and many more, to which time does not permit me to speak, I again congratulate the Hon. Rob Lucas on what to me was a brilliant exposition, extraordinary in the depths of its logic, rational and commonsense, and I hope that the conscience of enough people in this chamber and another place are much exercised by the speech he made.

I will be exercising my conscience. I am not unattached to some of the principles contained in the Hon. Mr Xenophon's bill, but unfortunately he has used the bill, in my view, to assist the addictive gambler and, in addition to that, he is using the bill to assist the very narrow political platform on which he got elected, that is, as a No Pokies MP. It is just a pity that, at the time of the ETSA lease, he did not choose to vote for the lease because he could have very deeply expanded the political platform from which he and his small party now operate. However, in order to get at the 2 per cent of addicted gamblers—and that figure comes from the missionary from Central Mission—he wants to take away the civil liberties of the other 98 per cent.

Only once in history in my time have I seen that done, and that was when Hitler's narrow, fascist, jackbooted thugs on their kristallnacht burnt the books—for no other reason than

that people wanted to read them. History records what that led to. History also records what the Volstead act led to in America in the 1930s. Let history record that this parliament acted with restraint, logic and compassion in rejecting the private members' bill now before us. I cannot commend it to the chamber.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

CHRISTIES BEACH WOMEN'S SHELTER

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council notes—

1. That request by former workers of the Christies Beach Women's Shelter Incorporated to have a statement incorporated into *Hansard* in accordance with the resolution of the Legislative Council passed on 11 March 1999.
2. The decision by the President of the Council not to allow the statement to be incorporated and expresses its regret with that decision.

(Continued from 29 September. Page 51.)

The Hon. K.T. GRIFFIN (Attorney-General): The government opposes the motion. I did speak briefly yesterday on the sessional order in relation to the so-called right of reply where a citizen believes he or she has been prejudiced, compromised or defamed by statements of a member in this chamber, and I was pleased that the council supported the sessional order for this session. What was always intended certainly by moving the sessional order was that there would be a mechanism by which citizens, if they could get their remedy by no other means, would be able to ask the President to consider incorporating in *Hansard* a statement in reply to the prejudicial statements made by a member.

It was always intended that that would be a matter of discretion for the President. Whilst one could consider a committee being set up for this purpose, it seemed to me that a committee considering this sort of issue would in fact not provide the protection sought, nor would it encourage an appropriate process which would deal with contention about the form of the statement before it actually got onto the public record, if in fact it was an appropriate statement to make—that is, it excluded material which in itself was defamatory or even prejudicial or was in contempt of the parliament.

That having been said, it is also important to recognise that there are opportunities for those citizens who believe they have been prejudiced by statements made in this chamber to ask a member to respond in debate, and there is any amount of opportunity for that to occur—the Address in Reply, or it may be appropriate on the budget bill or an Appropriation Bill. It may be that a substantive motion could be moved. We are very flexible with that. The Hon. Mr Elliott has raised the Christies Beach Women's Shelter issue in the parliament on at least two occasions in the Legislative Council and has put their point of view. If none of that can occur, a statement incorporated with the authority of the President is, I would suggest, the means of last resort by which prejudicial statements against citizens may be responded to.

It is important to recognise that there was a select committee in relation to the Christies Beach Women's Shelter. The evidence of the select committee was tabled and therefore it is on the public record. There was an extensive debate both before and after, so the persons involved with the Christies Beach Women's Shelter cannot argue that they have not received a great deal of exposure of their points of view in relation to that episode in the mid-1980s. They have had their opportunity. I support the President's decision not to incorporate a statement as proposed. In addition to that, the motion would if passed, I suggest, cast some reflection upon the judgment of the President, and I do not believe that is appropriate. In the procedure envisaged by the sessional order, there is no basis upon which a motion of disagreement with the President's ruling can be entertained. This looks like a back door means by which that can occur, and the government is not prepared to countenance that.

All in all, whilst one might argue about whether those who were workers in the Christies Beach Women's Shelter received justice outside the parliament, no-one can argue with the fact that their side of the issue has been quite significantly published over a number of years in this chamber and in the public arena beyond this chamber. Therefore, in my view and that of the government, there is no basis upon which this motion can be supported.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Legal Practitioners Act 1981. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the *Legal Practitioners Act 1981* (the Act) for three distinct purposes.

Firstly, the Bill will amend the Act to effectively exclude, from the Guarantee Fund, claims for losses incurred as a result of a legal practitioner's mortgage investment activities.

Section 60 of the *Legal Practitioner's Act* (the Act) provides that, where a person suffers loss as a result of fiduciary or professional default and there is no reasonable prospect of recovering the full amount of that loss, the person can claim compensation from the Guarantee Fund.

The question of whether a defalcation is covered by the Guarantee Fund will depend on whether the defalcation occurred in the course of the practitioner's legal practice, which, in turn, will depend on the circumstances of each individual case. If a legal practitioner is conducting a legal practice and a mortgage investment service, it is likely that, without a clear separation between the two distinct services, a defalcation in relation to a mortgage investment service would be considered to have occurred in the course of the practitioner's legal practice.

However, mortgage investment broking is not a general part of legal practice. There are no restrictions on the classes of persons who may offer or give such advice. In fact, in South Australia, most mortgage investment activities are conducted by people who are not legal practitioners. It also should be pointed out that, if the practitioner has not clearly separated his or her mortgage investment activities from his or her legal practice, the practitioner would have contravened the Law Society's practice rules. The practice rules dictate that a legal practitioner carrying on another business apart from a legal practice must ensure that the conduct of that business is kept entirely separate from the legal practice. Currently, the Law Society takes steps to ensure that the few practitioners who are engaged in mortgage investment activities respect this practice rule.

As such, the Government believes that there is no justification for providing greater protection to a person who accepts mortgage investment services from a person who is a legal practitioner. By excluding claims related to mortgage investment broking from the Guarantee Fund, all clients accepting mortgage investment services will be in the same position in relation to indemnity for losses, re-

gardless of the profession of the person facilitating the mortgage investment scheme.

Secondly, this Bill addresses the problem of the employment in legal practices of legal practitioners who have been suspended from legal practice, and former legal practitioners whose names have been stricken from the roll of practitioners.

These sanctions are among those which may be imposed by the Supreme Court, and in the case of suspension, the Legal Practitioners Disciplinary Tribunal, for misconduct. They are not imposed lightly, but flow from a finding that the practitioner has been guilty of unprofessional conduct. The sanctions are intended to punish the practitioner for the conduct, and at the same time to protect the public from possible harm that might flow from dealings with the practitioner in his or her professional capacity. They prevent the practitioner or former practitioner from practising the profession of law during the period of suspension, or until readmitted. To do so is an offence under s.22 of the Act.

A difficulty which has arisen in practice, however, is that although prohibited from practising the profession of law, such persons may nevertheless be able to secure employment in legal practices as law clerks or paralegals, or in like roles. In this capacity, it may occur that they, in reality, carry out duties very similar to the duties they would have carried out if engaged as legal practitioners. For example, they may interview and take statements from clients of the firm, give legal advice, prepare legal documents, and the like. It is argued that this does not amount to the practice of the profession of law, and is lawful. This form of employment has been used, therefore, to avoid the real effect of the disciplinary sanction.

Hitherto, although it has been an offence to aid an unqualified person to practise the profession of law, it has not been an offence for a legal practitioner employer, or contractor, to employ or engage in a legal practice a suspended or struck-off practitioner. While the suspended or struck-off practitioner commits an offence if he or she practises the profession of law, the mere fact of employment in a law firm has not hitherto been an offence.

This is to be contrasted with the position in other States, where the employment in and of itself constitutes an offence, or in some cases, unprofessional conduct by the employer. For example, the Victorian *Legal Practice Act 1996* creates an offence of knowingly employing or engaging such a person in connection with the legal practice. Likewise, the Western Australian *Legal Practitioners Act 1893* by s.79 creates a similar offence, unless special permission is given by the Legal Practice Board. Similar provisions exist in New South Wales under the *Legal Profession Act*, although there the behaviour constitutes professional misconduct rather than a criminal offence.

This Bill would make it an offence for a legal practitioner to employ or engage in his or her legal practice a person who is suspended from practice or has been struck off the roll. This would prevent employment even in the capacity of a law clerk or a paralegal. In this way, the punitive and consumer protective aims of the disciplinary provisions would be carried into effect.

However, the Government also accepts that employment in a legal practice may be proper in circumstances where it does not entail the practice of the profession of law by the disqualified person and where the public is protected. Hence, the Bill also permits the disqualified person or the practitioner proposing to employ or engage him or her, to apply to the Legal Practitioners Disciplinary Tribunal for permission for such employment.

The tribunal may not grant permission for the employment or engagement unless satisfied that the disqualified person will not practise the profession of law, and that the public can be properly protected from harm. However, the Tribunal is not obliged to grant permission even if satisfied as to those matters. It has a discretion. It must decide whether the proposed employment is or is not appropriate, considering the facts and circumstances of the particular case. If it decides to grant permission, the Tribunal can attach to its permission such conditions as it may see fit.

There is to be an appeal from the decision of the Tribunal to the Supreme Court. The disqualified person will be able to challenge a refusal of permission. Equally, the Legal Practitioners Conduct Board is able to challenge a grant.

By this mechanism, persons disqualified from legal practice will be prevented, under this Bill, from practising the law de facto whilst calling themselves law clerks. At the same time, genuine employment which is not legal practice and which poses no risk to the public may be permitted.

Finally, the Bill will clarify the interaction between section 66 of the Act and the other provisions of the Act dealing with claims against the Guarantee Fund, and also make a minor amendment to the scope of claims by legal practitioners against the Guarantee Fund.

Section 60 of the *Legal Practitioners Act* provides that where a person suffers loss as a result of a fiduciary or professional default, and there is no reasonable prospect of recovering the full amount of that loss, the person may claim indemnity from the Guarantee Fund. The claim will be paid if the Law Society determines that it is a 'valid claim'. Section 66 aims to set some criteria for when the Law Society may accept a claim from a legal practitioner as a 'valid claim'. These criteria include, that the legal practitioner has paid compensation to a person for pecuniary loss suffered as a result of the professional or fiduciary default, that the legal practitioner acted honestly and reasonably in the circumstances of the case, and that the Law Society is satisfied that it is just and reasonable to accept the claim.

The link between section 66 and the provisions generally relating to establishing a valid claim is not entirely clear. New section 66 will clarify the interaction of section 66 with the remainder of Part 5. It will be clear that a claim made by a practitioner is a claim made under section 60, and, in determining whether the legal practitioner's claim is a 'valid claim', the Law Society must have regard to the criteria set out in section 66.

The substance of new section 66 is essentially the same as the existing provision. However, there has been one minor change. Legal practitioners will not have a valid claim if the loss is a result of the negligence of the legal practitioner's partner. There appears to be little justification for recognising a claim by a legal practitioner against a Fund established to provide protection to members of the public when the loss has been caused by another legal practitioner's negligence and where the legal practitioner has a claim against that negligent practitioner.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 5—Interpretation

Clause 3 amends section 5 to include a definition of mortgage financing and to provide that a wrongful or negligent act or omission that occurs in the course of mortgage financing does not amount to fiduciary or professional default under the Act.

Clause 4: Insertion of s.23AA

This clause inserts a section into the Act to regulate the employment of a person whose practising certificate is under suspension or whose name has been struck off a role of legal practitioners. If a legal practitioner knowingly employs such a person, in a legal practice, the legal practitioner is guilty of an offence unless the Tribunal has authorised the employment of the person. The Tribunal may grant such an authorisation in its discretion but only if satisfied that the person to be employed or engaged will not practise the profession of the law, and that granting the authorisation on the specified conditions is not likely to create a risk to the public. A legal practitioner must comply with any conditions imposed on an authorisation by the Tribunal or the Supreme Court.

A legal practitioner is not guilty of an offence against this section in relation to an agreement or arrangement to which the practitioner is a party at the commencement of this section if the agreement or arrangement is authorised under this section on an application made within 12 months after that commencement, and the legal practitioner complies with any conditions imposed on the authorisation.

Clause 5: Substitution of s. 66

Section 66 of the principal Act deals with claims by legal practitioners against the guarantee fund. The proposed substituted section provides that a practitioner may claim against the fund where the practitioner has paid compensation for pecuniary loss suffered in consequence of a fiduciary or professional default by a partner, clerk or employee of the practitioner provided that, in the case of a fiduciary or professional default by a partner, the default consisted of a defalcation, misappropriation or misapplication of trust money or dishonest conduct. However, the practitioner can only claim against the Fund if the Society is satisfied that all claims in respect of the default have been satisfied and the practitioner acted honestly and without negligence.

Clause 6: Transitional

The transitional provisions provide that the provisions of this Act that deal with mortgage financing operations only apply to mortgage financing for which instructions were received after the commencement of this Act.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION (DIRECTION OF HOSPITALS AND HEALTH CENTRES) AMENDMENT BILL

Second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this short Bill is to provide the Minister for Human Services with the power to direct hospitals and health services which are incorporated under the South Australian Health Commission Act.

Under the South Australian Health Commission Act, the Governor can establish an incorporated hospital or health centre to 'provide services in accordance with its constitution'.

While the Act provides for the Health Commission to be subject to the control and direction of the Minister, it does not articulate a similar requirement for incorporated hospitals and health centres. Individual constitutions of some hospitals and health centres include provisions which variously require the incorporated body "to give effect to the policies from time to time determined by the Commission" or "to give effect to any directions given by the Minister and act in accordance with and give effect to the policies from time to time determined by the Commission.

The hospitals and health centres account for the largest proportion of health spending and employ the largest number of staff. In the interests of accountability, it is desirable that the Act clearly and unambiguously provides for incorporated hospitals and health centres to be subject to direction by the Minister.

It is not intended that the power be exercised capriciously – it would be reserved for matters of some policy or financial substance. There are limitations on the exercising of the power. Clearly, it is not intended to extend to individual clinical decision-making or to the sale or disposal of assets not held by the Crown. Accordingly, the amendments specifically provide that:

- A direction cannot be given so as to affect clinical decisions relating to the treatment of any particular patient; and
- A direction cannot be given for the sale or disposal of land or any other asset that is not held by the Crown.

A direction must be given in writing and particulars of any directions given must be included in the incorporated hospital or health centre's annual report.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Insertion of Division 1A of Part 3

Clause 3 inserts a provision into Part 3 of the principal Act to provide that an incorporated hospital is subject to direction by the Minister with the exceptions that—

(a) a direction cannot be given so as to affect clinical decisions relating to the treatment of any particular patient; and

(b) a direction cannot be given for the sale or disposal of land or any other asset that is not held by the Crown.

Clause 4: Insertion of Division 1A of Part 4

Clause 4 is in the same terms as clause 3 with the exception that it is in relation to an incorporated health centre rather than a hospital and so is an amendment to Part 4 of the principal Act.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

TRANSPLANTATION AND ANATOMY (CONSENT TO BLOOD DONATION) AMENDMENT BILL

Second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this short Bill is to lower the age of consent for blood donation from 18 years to 16 years.

The Australian Red Cross Blood Service—South Australia—has approached the Government seeking assistance to increase its existing donor base and align current policies and criteria with interstate Blood Services.

At present in South Australia a person younger than 18 years is only allowed to donate if parental consent is obtained; a medical practitioner advises that the removal of blood should not be prejudicial to the health of the child and the child agrees to the removal. Those requirements have been interpreted as having to be followed each time a young person wishes to donate blood.

By contrast, in a number of other States, 16 and 17 year olds are able to donate. In New South Wales, for example, the Blood Service allowed 16 and 17 year olds to donate some years ago. As a result of these changes and the implementation of a school collection program, this sector now accounts for 6-7 per cent of all donations in NSW which is of significant benefit in enabling that State to satisfy the demand for blood and blood products.

Victoria has also changed its legislation and, based on 1998 performance, has been able to obtain in the vicinity of 4000 donations from the 16-18 year old market.

Based on the age profile of active blood donors in SA as at September 1998, the majority (57.2 per cent) are older than 40 years. While this provides a stable supply of altruistic donors, the Service is concerned with the future supply of blood as less than 4 per cent of all persons younger than 25 years donate blood regularly. With the ageing of the population, it is anticipated that the demand for blood will increase. The Service is putting into place strategies to address the situation, for example, healthy donors aged between 60-70 years are being recruited and lapsed donors are being encouraged to remain active donors.

The amendment, which reduces the age of consent to removal of blood from 18 years to 16 years, seeks to enable the Service to put into place a further strategy aimed at securing an adequate donor base into the future. As a matter of policy, in accordance with the Service's Donor Guidelines, no donation is taken from any person (regardless of age) if the donation is considered prejudicial to the health of the donor.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 17A

17A. Interpretation

This clause inserts in Division 5 of Part 2 of the principal Act a definition of 'child' which has the effect of reducing the age of consent to blood donation from 18 to 16 years.

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

PRICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Prices Act 1948. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

In 1995 the Council of Australian Governments ('COAG') entered into three intergovernmental agreements to facilitate the implementation of national competition policy objectives. One of these agreements was the *Competition Principles Agreement*. As part of their obligations under this agreement, State governments undertook to review all existing legislation that restricts competition. The Office of Consumer and Business Affairs ('OCBA') has reviewed the *Prices Act 1948* (SA) as part of this process.

The guiding principle is that legislation should not restrict competition unless it can be demonstrated that—

- the benefits of the restriction to the community as a whole outweigh the costs; and that
- the objects of the legislation can only be achieved by restricting competition.

A review panel consisting of staff of the Office of Consumer and Business Affairs was formed in September 1998 to undertake this Review.

The *Prices Act* was introduced following the Second World War to curb rising inflation and to address market failure arising from shortages of goods. At one point, all States and Territories had some form of price regulation. Some States have either repealed their equivalent legislation or allowed them to lapse. Over time, the objectives of the Act have changed, and it is now aimed at dealing with market failure arising from monopoly power and unconscionable conduct.

The Act enables the Governor to declare goods and services. Once declared, the Minister can issue a Prices Order in relation to those goods or services, setting the maximum price at which those goods and services may be supplied. Currently, only four goods or services are subject to price control in this manner, being infant and invalid foods, medical services, tow truck services and freight charges on the Kangaroo Island Sealink.

The importance of the Act as a reserve power and the benefit which flows from this outweigh the minimal administrative costs of the Act's operation. There is no power to fix maximum prices which is as comprehensive and capable of such flexible application as that in the *Prices Act* in any other South Australian legislation. Powers to fix maximum prices under other Acts are limited to short periods of time under narrowly defined circumstances, or apply only to particular goods and services.

The *Prices Surveillance Act 1983* (Commonwealth) may be effective in some situations, but does not have the flexibility to deal with certain local circumstances due to inherent constitutional limitations. The *Trade Practices Act 1974* (Commonwealth) provides an effective protection against price fixing and some other anti-competitive practices, and reliance on the *Trade Practices Act* may sometimes provide an alternative to specific regulation. However, neither of these Acts can completely fulfil the objectives of the *Prices Act*.

While the retention of the Act can be justified, certain provisions cannot. The Act imposes a number of requirements in relation to declared goods and services, of which there are currently in excess of fifty, rather than only applying them to goods and services subject to price control.

Section 12 of the Act imposes certain record-keeping requirements on persons who supply declared services or who sell declared goods. While it could be argued that the records required to be kept under section 12 would be kept by a prudent business person, there may be circumstances in which the Commissioner for Prices may wish certain records be kept. However, these should only be required in respect of goods or services subject to price control.

The proposed amendments will allow the Commissioner for Prices to require a person selling goods or supplying a service subject to price control, by notice, to keep such accounts and records as are specified in the notice. Where the notice imposes the requirements on a particular person, that person must receive written notice. Where the notice imposes the requirements on a class of persons, the notice may be published in the *Gazette* or in newspaper circulating generally throughout the State. In this way, the administrative burden of keeping and retaining certain accounts and records is imposed only on those persons selling or supplying goods and services subject to price control.

The Act also currently requires in section 30 that where declared goods are to be offered for sale in a package or container, the person must not alter the size of the package or container without approval by the Minister. The purpose of the restriction is to prevent a manufacturer altering a container size to avoid complying with a price order.

For declared goods generally, it is difficult to identify any benefit in restricting container size which is not outweighed by the costs of the restrictions on flexibility and innovation which may result. Amending section 30 so that it applies only to goods subject to a price order will address this restriction on competition, while maintaining community protection in the event a price order is made.

The remaining amendments proposed in this Bill address minor housekeeping matters.

Since coming to office, one of the key objectives of this Government has been to undertake a comprehensive micro-economic reform program to ensure competitive market outcomes for both consumers and businesses. As a necessary part of this reform, it is sensible to amend legislation to reduce red-tape for business owners where legislative requirements can no longer be justified.

Accordingly, the Government has accepted the conclusions and recommendations made in the Final Report of the Review Panel, and this Bill will allow the necessary amendments to be made to the *Prices Act 1948*.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 12—Accounts and records in relation to certain declared goods and services

This clause removes the requirement that a person who sells declared goods or supplies declared services in the course of a business keep such accounts and records as are specified in section 12 and the regulations and as the Commissioner may require. The clause also amends the section so that it applies only in relation to declared goods or declared services in respect of which a maximum price has been fixed under the Act, and empowers the Commissioner to give a person who sells declared goods or supplies declared services in respect of which a maximum price has been so fixed a notice requiring the person to keep such accounts and records as are specified in the notice. A notice may be given to a particular person or to persons of a particular class.

Clause 4: Amendment of s. 30—Alteration of container size

Section 30 of the principal Act provides that a person must not, without the Minister's written consent, alter the size of a package or container in which declared goods are to be offered for sale before they are sold by retail. The clause amends the section so that it applies only in relation to declared goods in respect of which a maximum price has been fixed under the Act.

Clause 5: Amendment of s. 46—Knowledge of offences

Section 46 of the principal Act provides that in a charge for an offence of selling goods at a price greater than the maximum price fixed under the Act, it is not necessary for the prosecution to prove that the defendant knew the maximum price fixed, and it is not a defence to prove that the defendant did not know that price. The clause amends the section so that it also applies to a charge for an offence of supplying declared services at a price greater than the maximum price fixed under the Act.

Clause 6: Further amendments of principal Act

SCHEDULE

Further Amendments of Principal Act

The schedule removes redundant provisions and alters penalty provisions to indicate that penalties are maximum penalties.

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

OFFICE FOR THE AGEING (ADVISORY BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 224.)

The Hon. R.D. LAWSON (Minister for Disability Services): I thank members for their contributions in this matter and their indications of support. A matter raised by the Hon. Carmel Zollo in her contribution concerned the gender balance of the board. The existing act provides that the Advisory Board on Ageing should include an appropriate gender balance. I am delighted to see that at least two members of the board should be women and two men and delighted to see that this board, which is chaired by Dame Roma Mitchell, has on it four members who are women and two who are men.

In relation to this advisory board we are certainly making our contribution to meeting the objective of the government

and of the Minister for the Status of Women in increasing representation of women. Having regard to the particular subject matter, I would envisage that that balance will continue into the future. I thank members for their support.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. CARMEL ZOLLO: I wish to make some general comments, to which the minister can respond. I am aware of the concern about and speculation as to the future of the state government's Office for the Ageing over some time. The rumours range from the office being completely disbanded to its functions being distributed across other divisions within the Department of Human Services. I understand it caused such concern that on 1 September COTA coordinated a meeting of stakeholders with Ms Christine Charles, the CEO of the Department of Human Services, and subsequent meetings with the minister in which the future of the Office for the Ageing was assured. Perhaps the minister can also reassure the Chamber of his government's commitment to maintaining the Office for the Ageing and its role in the delivery of services to the aged. I move:

Page 1, after line 20—Insert paragraph as follows:

(c) By striking out from subsection (5) 'four' and substituting 'six'.

The opposition agrees with the view of the peak advocacy group Council on the Ageing that, if left at four years, in aggregate, the term is unnecessarily restrictive. The point was made that it should be six years or eight years. The opposition is supporting six years, as per our amendment. The view of COTA, which we agree with, is as follows. COTA believes that the longer maximum term which, of course, would be subject to continued appointment by the government, would enable a balance between new and continuing members, would allow for the continued membership of persons who were clearly contributing to a higher standard and would allow the possibility of someone who had served as a member being subsequently appointed as the presiding member. I hope that members will support this amendment.

The Hon. IAN GILFILLAN: I indicated in my second reading contribution that the Democrats would support the amendment, and I repeat that now. We believe it is a sensible amendment, which has been analysed by COTA, one reason being that it offers a person who may serve as a chair time to have more experience before taking up that position. We support the amendment.

The Hon. R.D. LAWSON: Before addressing the honourable member's amendment, I should address her question regarding the future of the Office for the Ageing. There has been some reorganisation of responsibilities within the Department of Human Services. The Office for the Ageing was previously within the Department for Family and Community Services and, of course, that department was combined with the Health Commission, as well as the housing function of government, to create the Department of Human Services. There was a line of responsibility from the Office for the Ageing through the Minister for Community Services, whereas many of the other functions of the health and related areas reported to the Minister for Health. Reorganisation of the department was necessary in consequence of the amalgamation of those departments to ensure that there was not duplication of administrative functions and the like.

The status and future of the Office for the Ageing was never in doubt. The office is an important office, and it is so regarded both by me as the minister responsible and also the Minister for Human Services. The office has statutory functions. The act, which is presently the subject of amendment by this bill, sets out very clearly the objectives of the office and its functions and those functions include: to assist in the development and coordination of state government policies and strategies affecting the ageing, and so on; to advise on the development and implementation of programs and services for the ageing; to monitor the effect of ageing; and to ensure that, as far as practicable, the interests of the ageing are considered when programs or services that may affect them are being developed and implemented. There is a very extensive list of functions of the office.

In addition to those statutory functions, the Office for the Ageing has had responsibility for the administration and development of the Home and Community Care program—a substantial government program, involving the expenditure of some $72 million in the past financial year. Not only did the Office for the Ageing discharge that statutory function of advice and development of policy and the like but it also included that important funding role. In discussions about the reorganisation of the Department of Human Services, I was adamant that the Office for the Ageing should retain its funding role as well as its policy role, because I took the view that the funding role was very important in the capacity to influence policy and also to develop new ideas and effectively see that they are implemented. The statutory role is purely, it might be termed, an advisory and policy role. I was determined to ensure not only that it retained that role, which, of course, it is required to retain under the legislation, but also that it had the funding role, and that was certainly the position adopted by the government.

It is true that there were some meetings about the future of the Office for the Ageing. As I said, it was never in doubt, and I can affirm to the Committee that the office will continue and that its role will be developed and enhanced. It is now reporting through the metropolitan division of the human services department rather than the policy area of human services, but that has in no way undermined the effectiveness and importance of the office. So I can assure the honourable member and the Committee that the office will maintain its role.

The honourable member's amendment arises from a suggestion made by the Council on the Ageing in a letter to me, dated 19 October, which the council indicated would be sent to other members. The Council on the Ageing fulfils a very valuable function in our community. It is an organisation which has admirably served the community. It provides a number of services to its members. It supports a large number of seniors' clubs in the state. It is the recipient of a number of government grants. It is funded to provide a number of services through both Home and Community Care and other grants programs. I believe that the council always acts responsibly. There are occasions when the views of the council do not accord with those of the government but, by and large, there has been a fair degree of unanimity in policy in this area.

The council, as one might expect, constantly urges the government to increase funding on various programs. I am glad to say that we have increased funding. We are substantially above the levels that were provided under the previous government.

'Ageing: a 10 year plan' is a strategy for ageing in this state that has been adopted by the government, and we are implementing that program progressively. It is the first

comprehensive strategy of this kind and I am glad to say that the Council on the Ageing, its board and Executive Director, Ian Yates, were significant contributors to the development of that plan and have been very strong advocates for its implementation. Accordingly, I give serious attention to any suggestion made by COTA. The suggestion that the maximum term to be served by a member be increased from four to six years was made by COTA and is now embodied in the honourable member's amendment.

I went back to the original bill to see why it was that parliament initially inserted a clause that limited membership to four years in aggregate. I could find no reason for it and, apart from the fact that four years happens to coincide with a parliamentary term, I could see no particular reason why members of the Council on the Ageing should be limited to four years. I believe there is a place for a limit in relation to boards of this kind. It is necessary to recharge boards with new ideas. I think that it is appropriate to ensure that people do not stay too long on advisory boards of this kind. However, six years, I think, is not an unreasonable time.

I do not envisage that all members of the ministerial advisory board on ageing would be appointed for the full six years, or would even be prepared or be able to serve for six years; but there will be occasions when it might be appropriate to appoint someone who has served, for example, three years as an ordinary member and as chair for another two or, perhaps, three years. In these circumstances, the government is happy to accept the amendment suggested by the Council on the Ageing and proposed by the opposition.

The Hon. CARMEL ZOLLO: I thank the minister for his explanation and assurances, especially in relation to the Office for the Ageing.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (UNIVERSITIES) BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): On behalf of the 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.

Amendment to each of the University Acts

The Governor of South Australia is the Visitor to each of the three Universities in this State with the powers and functions appertaining to that office. The office of Visitor is a traditional office in a university with ceremonial and dispute resolution functions. However, in recent times the resolution of disputes is considered to be more appropriately the responsibility of the Ombudsman.

The office of Visitor to a university is an archaic office with the jurisdiction extending to matters concerned with the internal management of the university. Such matters may include disputes involving members of the university, arising from the promotion or dismissal of staff, and the power to interpret the statutes of the university. The Visitor's power to order remedies is, however, quite limited.

In the past, it has been the case that the Government has funded the services of a Queen's Counsel to act on behalf of the Governor as the Visitor in dispute resolution.

The role of the Governor as Visitor does not have a place in modern universities. It is more effective for disputes to be resolved by means such as the Ombudsman or other civil mechanisms.

The proposal to repeal the section in each of the University Acts that provides for the Governor to be the Visitor in no way diminishes any ceremonial role of the Governor in relation to the universities. The universities have stated their intention to continue to call on the Governor for ceremonial functions—legislation is not required for this to occur.

Full consultation has occurred with the Governor and the three universities, and all are in agreement with the proposed amendments.

Amendment to Ombudsman Act 1972

While it is appropriate to repeal the sections of the university acts which give the Governor the powers of Visitor, it is necessary to amend concurrently the *Ombudsman Act* in order that effective dispute resolution is maintained for the two universities not already covered by that Act.

The *Statutes Amendment (University Councils) Act 1996* inadvertently removed the Flinders University of South Australia and the University of South Australia from the ambit of the *Ombudsman Act*. In 1998, as an interim measure, the Governor issued a proclamation under the *Ombudsman Act* to reinstate the Ombudsman's jurisdiction over those two universities.

Consultation has occurred with the Ombudsman and the universities on the proposed amendment, and all are in agreement with the proposed changes. The *Ombudsman Act* refers specifically to the University of Adelaide in the definition of authority but not to either of the other universities. The legislation requires amendment to include Flinders University and the University of South Australia as authorities for the purposes of the Act. This amendment will enable persons in dispute with any of the universities to take the appropriate course of action.

I commend the Bill to honourable members.

Explanation of Clauses

General comments

The amendments proposed in Parts 2, 4 and 5 of the Bill are consistent with each other. Currently, the Governor is the Visitor to each of the Universities in South Australia with the powers that accompany that position. By repealing the provision in each of the University's Acts that provides for the Governor to be the Visitor, that position will cease to be.

By including the Councils of each of the Universities in the definition of authority in the *Ombudsman's Act* (see Part 3 of the Bill), the Ombudsman will have the authority to investigate administrative acts of the Universities.

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

A reference in the Bill to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2: AMENDMENT OF THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT

Clause 4: Repeal of s. 24

Section 24 of the principal Act provides that the Governor is the visitor of the University with the authority to do all things which appertain to such a position. This section is to be repealed.

PART 3: AMENDMENT OF THE OMBUDSMAN ACT

Clause 5: Amendment of s. 3—Interpretation

The Ombudsman has the function of investigating administrative powers of certain authorities. The Council of the University of Adelaide is already included as such an authority. The proposed amendments will also include the Council of Flinders University and the Council of the University of South Australia as such authorities.

PART 4: AMENDMENT OF THE UNIVERSITY OF ADELAIDE ACT

Clause 6: Repeal of s. 20

Section 20 of the principal Act provides that the Governor is the visitor of the University with the authority to do all things which appertain to such a position. This section is to be repealed.

PART 5: AMENDMENT OF THE UNIVERSITY OF SOUTH AUSTRALIA

Clause 7: Repeal of s. 23

Section 23 of the principal Act provides that the Governor is the visitor of the University with the authority to do all things which appertain to such a position. This section is to be repealed.

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

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

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

ADJOURNMENT

At 10.10 p.m. the Council adjourned until Thursday 28 October at 2.15 p.m.