HOUSE OF ASSEMBLY

Wednesday 27 October 2004

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

POLICE, TEA TREE GULLY

A petition from 65 residents and business people from the City of Tea Tree Gully, requesting the house to urge the government to ensure the operation of a police facility/patrol base within the City of Tea tree Gully before the expiry of the term of this parliament, was presented by the Hon. D.C. Kotz.

Petition received.

MATTER OF PRIVILEGE

The SPEAKER: Just a little earlier today, I received the following letter from the Leader of the Opposition:

Dear Mr Speaker,

I write to you on a matter of privilege and ask you to consider whether the Deputy Premier yesterday misled the house in answer to a question asked of him with regard to a $1 million deposit into the Crown Solicitor's Trust Fund.

In responding to the question the Deputy Premier told the House he had no recollection of the matter.

Today during an Adelaide radio interview the Treasurer said he had known about the issue since August.

Attached are:

(i) My question and the Treasurer's answer

(ii) An extract from this morning's radio interview.

I ask you to consider whether a prima facie case exists that the Treasurer has, indeed, misled the house.

Yours sincerely,

Leader of the Opposition.

I will consider the matter.

QUESTION WITHOUT NOTICE

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

CHILD ABUSE

In reply to **Hon. R.G. KERIN** (20 September).

The Hon. J.W. WEATHERILL: As no specific information was provided at the meeting of 9 December 2004 between members of the Adult Survivors of Child Abuse group and the Minister for Social Justice, no further investigation was possible. Members were invited to provide further information but none was forthcoming.

ANNUAL REPORT: JOINT PARLIAMENTARY SERVICE

The SPEAKER: I have and table the 16th Annual Report 2003-04 on the Administration of the Joint Parliamentary Service, presented by that committee pursuant to section 34 of the Parliament (Joint Services) Act 1985.

ADELAIDE POLICE STATION

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I wish to make a ministerial statement in response to an issue raised in the house yesterday by the Leader of the Opposition regarding funding of the Adelaide Police Station. I am advised that this project was conducted under the control of a steering committee that was chaired by the former chief executive of the Department of Justice, Ms Kate Lennon. The Department of Information and Administrative Services undertook the project work on behalf of the Department of Justice. In relation to the amount of $1.03 million that the leader referred to yesterday, I am advised that at the completion of the project the Department of Information—

The Hon. DEAN BROWN: On a point of order, sir, there are no copies of the ministerial statement. Could we get a copy?

The SPEAKER: Whilst it is not a point of order, it a normal courtesy and the Deputy Premier inadvertently overlooked it.

The Hon. K.O. FOLEY: I am advised that at the completion of the project the Department of Information and Administrative Services returned these funds to the Department of Justice. These funds represented a return of funds initially overpaid to the Department of Administrative and Information Services for the project. I am advised that, upon receipt of these funds into the Department of Justice's operating account in June 2003, they were subsequently transferred into the Crown Solicitor's Trust Account.

It is important to note that the transaction referred to yesterday by the leader is one that has already been investigated and reported on by the Auditor-General. I can advise the house that my office has no record of this matter being raised with me, nor do I have any recollection of the issue being raised with me by either SAPOL or the Department of Justice. The reference yesterday to no recollection and the matter raised on radio this morning was simply an entry on a schedule of the 20 to 30 payments that was brought to my attention. I did not inquire into that specific issue when it was raised with me on that schedule.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Transport (Hon. P.L. White)—

Passenger Transport Act 1994, Sections 39 (3b) and 39 (3d) of the Report "Wandering Star
South Australian Rail Regulation—Report 2003-04
Speed Management—Report 2003-04
Tarcoola-Darwin Rail Regulation—Report 2003-04
TransAdelaide—Report 2003-04

By the Minister for Urban Development and Planning (Hon. P.L. White)—

Adelaide Cemeteries Authority—Report 2003-04
Development Act, The Administration of the—Report 2003-04
Planning Strategy for South Australia—Report 2003-04
West Beach—Report 2003-04

By the Minister for Science and Information Economy (Hon. P.L. White)—

Playford Centre—Report 2003-04

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

State Water Plan 2000, Progress in Implementation of during 2003-04.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the seventh report of the committee.

Report received.

Mr HANNA: I bring up the eighth report of the committee.

Report received and read.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

Mr CAICA (Colton): I bring up the seventh report of the committee entitled 'The Occupational Health, Safety and Welfare (Safework SA) Amendment Bill 2003'.

Report received and ordered to be published.

QUESTION TIME

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Treasurer. Given the Treasurer's earlier statement to the house, how does he explain that this morning on radio he told the South Australian public that he has known about the $1.03 million deposit in the Crown Solicitor's Trust Account since August? This morning the Deputy Premier when asked when he knew about the $1 million deposit said:

> I was advised about that matter at the same time as I was advised about the entire issue when Mark Johns, the head of the Department of Justice, advised me of the 30 transactions. It is on a schedule of transactions that were [unclear] to the Crown Solicitor's trust account.

The Treasurer admitted that that was in August.

The Hon. K.O. FOLEY (Treasurer): I stand by my answer to the house yesterday when I said:

> I will check on that, Mr Speaker. I do not have any recollection of that, but I will get an answer back to the house as quickly as I can.

I also said:

> I have no recollection of the matter, but I am quite relaxed about it. I have no doubt that I have acted properly.

On radio this morning, I was—

Members interjecting:

The SPEAKER: Order! The Treasurer has the call.

The Hon. K.O. FOLEY: On Adelaide radio this morning I was asked when I was aware of the matter. I said on radio this morning that the issue referred to was one of a list of some 20 to 30 transactions entitled 'Adelaide Police Station'. I did not inquire into the specifics of that transaction other than that it was on a list to which I referred this morning on radio.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: With respect to the matter in hand (that is, the Adelaide Police Station), I became police minister, I think, in May 2003. This transaction was part of the money transferred into the Crown Solicitor's Trust Account in June 2003. I am quite consistent. I answered honestly and truthfully yesterday that I had no specific recollection of the issue, and I made it very clear on radio today that it was one of about 30 items referred to, but I was not briefed specifically on the Adelaide Police Station by the Department of Justice.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Up to 30 transactions were made from the Department of Justice to the Crown Solicitor's Trust Account. I asked the Department of Treasury and Finance—

Members interjecting:

The Hon. K.O. FOLEY: Sir, I am happy to give an answer if people are prepared to listen. I am quite relaxed.

The SPEAKER: The chair is prepared to listen and will ensure that others who may not be interested nonetheless enable those of us who are to do so.

The Hon. K.O. FOLEY: I am being accused of not asking about or inquiring into a $1 million transfer by the justice department and involving the police. I asked for the whole matter—up to 30 transactions—to be investigated by both Treasury and, of course, ultimately, the Auditor-General. There was full, open and quite clear investigation into all of the transactions, but I did not pick out any one of those transactions, whether or not they were in my portfolio, for particular attention, and that is exactly what I referred to on radio this morning. I assume that was the import of the question by the Leader of the Opposition yesterday. The question that he asked me yesterday, which I answered, was:

> My question is to the Minister for Police. Prior to July 2003, was the minister informed by senior police or justice department officials [about the relocation of this issue]?

I said I had no recollection. I asked my office to investigate the matter and, prior to July 2003, it was clear (and I made a statement to the house today) that my office has no record of this matter being raised with me, nor do I have any recollection of the issue being raised with me by SAPOL or the Department of Justice. The only time this issue was brought to my attention was along with up to 30 other transactions in a schedule, and I asked the Department of Treasury and Finance and, ultimately, the Auditor-General to look into the matter. So I am quite relaxed about it.

The Hon. R.J. McEWEN: I rise on a point of order, Mr Speaker. I seek your advice and clarification on the matter. I understood you indicated that, on a question of whether or not this was a breach of privilege, you would investigate this matter. Is it now appropriate that questions be taken across the floor on a matter on which you have indicated you intend to bring back a question?

Members interjecting:

The Hon. R.J. McEWEN: It is of no interest to anybody but myself. I know that a question has to be answered.

Mr Brokenshire interjecting:

The Hon. R.J. McEWEN: I am sure you know the answer, but I do not. I am sure you know the answer: you are a highly intelligent individual.

The SPEAKER: Order! I am not sure that I have understood what the minister was asking me, but it is not out of order for members to make inquiries of ministers, whether or not by coincidence the chair is examining a matter that has been referred to it by an honourable member. Is that the import of the inquiry?

The Hon. R.J. McEWEN: Thank you, Mr Speaker. You have answered my question.

HOSPITALS, ROYAL ADELAIDE

Mr SNELLING (Playford): My question is to the Minister for Health. What changes have been made at the Royal Adelaide Hospital Emergency Department to cater for increasing numbers of presentations, and have average waiting times fallen as a result of these initiatives?

The Hon. L. STEVENS (Minister for Health): I thank the member for Playford for the question because I want to

correct any misunderstanding about a report in the media on 18 October 2004 that said there was a 12 hour wait for care at the Royal Adelaide Hospital Emergency Department. It is important to clarify that there is no 12 hour wait for care.

About 1 000 people every week are treated at the Royal Adelaide Hospital Emergency Department. Those who need urgent attention are seen immediately, and the average wait to be seen by a doctor for all presentations is now 43 minutes. In 2003, the Royal Adelaide Hospital recognised that changes were required to meet the increasing demands being placed on its emergency department. The hospital embarked on re-engineering the way in which the emergency department functions, similar to work being undertaken at the Flinders Medical Centre, to cut waiting times in the emergency department by improving the flow of patients.

Since 1 June this year, patients have been streamed into categories for potential admissions and potential non-admissions as part of the triage process to determine priorities for care. Even though the number of people presenting at the Royal Adelaide Hospital emergency department increased by 9 per cent to 12 783 in the period from June to August, compared with last year these changes have made significant improvements to waiting times, and the average wait to see a doctor improved from 57 minutes to 43 minutes. Eighty per cent of patients discharged are treated and discharged within four hours.

An honourable member: That's better.

The Hon. L. STEVENS: It is better. The 12-hour wait statistic refers to the number of patients who are cared for and may be receiving necessary medical tests and care in the emergency department until transfer to a ward. The number waiting 12 hours for admission has grown with the increase in the number of people presenting at the emergency department. The Royal Adelaide Hospital recognises the need to minimise the time patients wait for admission, and every step is taken to plan ahead for the expected admissions through the emergency department. The hospital, along with the Flinders Medical Centre, should be congratulated on their efforts to improve their service.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Treasurer. Why did the Treasurer claim on ABC radio this morning that the $1.03 million in unspent moneys from the Adelaide Police Station, which was subsequently transferred to the Crown Solicitor's Trust Account, as itemised in the Auditor-General's Report, when it was not? On ABC radio this morning, the Treasurer stated:

> It's part of the 30 transactions that was in the Auditor-General's Report.

The Auditor-General's Report refers to only $3.1 million in 2003 and $2.8 million in 2004 that was paid into the Attorney-General's Trust Account, with no detail provided.

The SPEAKER: Order! The chair is unclear, in the course of the explanation, whether the trust account referred to is that of the Crown Solicitor or another trust account—that of the Attorney-General.

The Hon. R.G. KERIN: My apologies, sir. It is actually the Crown Solicitor's Trust Account. My apologies to the Attorney.

The Hon. K.O. FOLEY (Treasurer): The schedule I referred to on radio today was the supporting schedule of transactions contained in the report provided to the Auditor-General by the investigative officers into this matter, as well as my Treasury people. I stand to be corrected, but I understand that the Auditor-General has, in fact, provided a table, or a very similar schedule, with the same information provided to the Economic and Finance Committee this morning, which highlights those issues.

Coming back to the point made about yesterday, I do not know whether I am held accountable for what was said in parliament or what was said on radio, but the question yesterday was quite specific: that is, whether I was aware of the matter prior to June 2003. I have answered that question honestly. On radio this morning, I also made it very clear that, when I checked the schedule, the item referred to was on that schedule. I asked the Department of Treasury, and subsequently the Auditor-General undertook investigations into some 20 to 30 transactions. I honestly do not know what more I could or should have done, or could have said differently, that would have made it any clearer than it is already.

The Hon. R.G. KERIN: I have a supplementary question. So, the Treasurer is saying that he was incorrect this morning and it was not in the Auditor-General's Report, as he said, but it was information that had been supplied to the Auditor-General. Is that correct?

The Hon. K.O. FOLEY: I would have to check exactly what I said on radio this morning.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The point I made on radio this morning is exactly what I stand by. The issues that the Auditor-General inquired into were some—

An honourable member interjecting:

The Hon. K.O. FOLEY: Can I answer the question? Some 20 to 30 transactions that were inquired into by the Auditor-General were the whole basis of the Auditor-General's Report. That was the schedule which the Auditor-General based this inquiry into. So, I am not quite sure what point the Leader of the Opposition is trying to make.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The Auditor-General investigated and inquired into—

The SPEAKER: Order!

The Hon. K.O. FOLEY: —a whole lot of transactions. There were some up to 30 transactions, and that was part of the Auditor-General's Report.

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order, the honourable member for Newland!

The Hon. K.O. FOLEY: I have to say that, at 20 past 8 this morning after a late night the night before, and a late night the night before that, I did not have the information in front of me.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I was at home. I was not in my office with the information in front of me.

The SPEAKER: Order!

Mrs Hall: You should not make it up.

The SPEAKER: Order! The Deputy Premier has answered the question. May I suggest to all honourable members, particularly ministers, that when answering questions they address the question rather than try to second guess whether or not there is a motive or point in argument being made. There is no point in argument. Question time is

not for debate in either the asking of questions or the answering of questions.

LITERACY TESTS

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. What impact has the government's initiatives had on the literacy level of South Australian students?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Wright for her interest in this topic because I know she realises how important education is to our community. The state government has made a targeted approach to improving our literacy skills across all school ages because we recognise that good literacy is the foundation not only for a good educational outcome but also for good employment outcomes. The Premier's reading challenge was one of the critical moves in making sure that children understood that reading was a key advantage in their lives, and to engender enthusiasm for reading. We have reduced class sizes and invested significantly in extra teacher employment within our education system because we as a government know how important literacy is for young people's lives.

Today I am especially pleased to inform the house that because of our intense focus, the extra support that we have provided, and the hard work of our great teachers, we have begun to show a turnaround in our literacy levels after years of wallowing lower down the scales around Australia. In fact, this year, for the first time, we have made a key improvement in our literacy achievement levels. This year's students have achieved the highest ever results in the state literacy tests.

The results in 2004 show that the 41 000 children tested with the rigorous scheme approaching their reading, writing and spelling skills in years 3, 5 and 7 have all shown significant improvement. In fact, the highest number of children this year are in our high band literacy levels, and we have had the lowest level in our lowest literacy skill bands.

This is a fine achievement. If members look at the statistics they will see that there have been up to 7 or 8 per cent improvements over last year of the number of children in the top bands and, overall, the appearance of all the results across all the years has improved dramatically. Teachers, parents and support staff who have helped to achieve these results should take considerable credit because, without their hard work and dedication and without the support of this government—support which was never given previously—these achievements would not have been attained. In fact, we will credit the 160 extra junior primary teachers, the $35 million literacy program and the Premier's Reading Challenge, together with the additional more than $2 million which has gone into books and into schools. These achievements are a fine reflection on this government.

ADELAIDE POLICE STATION

The Hon. R.G. KERIN (Leader of the Opposition): Did the Minister for Police at any stage, as client minister, receive a report regarding the $21 million relocation of the Adelaide Police Station and whether the project was on time, on budget, or under budget and, if not, why not?

The Hon. K.O. FOLEY (Minister for Police): Can I have that question again, sir, because I did not hear it.

The SPEAKER: Yes.

The Hon. R.G. KERIN: The Attorney's very loud, isn't he. I will repeat the question, if the Attorney will listen. Did the minister at any stage, as client minister, receive a report regarding the $21 million relocation of the Adelaide Police Station and whether the project was on time, on budget, or under budget and, if not, why not?

The Hon. K.O. FOLEY: I will get a considered answer to that question, but I will say this: from memory, I do not think so, because I was not the police minister. I will check the dates but, from memory, I became police minister in mid May 2003.

The Hon. I.F. Evans: It was Pat's fault, was it?

The Hon. K.O. FOLEY: It was no-one's fault. It is a question of whether I was briefed on it as police minister. The point I am making is that I do not think I was the police minister, but I will check the dates and the transcript as it happened. I do not recall being the police minister when that particular $23 million project was undertaken. I think the whole point of this exercise was that, from memory, the money paid back into the operating account was at the end of the project. It was money that was underspent, or overspent, on the project. I am not absolutely certain.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. K.O. FOLEY: I will get those details, but the whole issue was that, at the end of the project, there was an issue of funding, and that money was then put into the solicitor's trust account at the end of the project. I think that the Leader of the Opposition had best check his information, and I will do the same.

An honourable member interjecting:

The Hon. K.O. FOLEY: If I was not the police minister I am hardly going to be briefed on the progress of the police station. However, I am happy to check that; if I am wrong, I will come back and correct it. I have since checked the transcript of what I said this morning as it related to the Auditor-General's Report. I said that this issue was part of the 30 transactions that were in the Auditor-General's Report and that I was told about the 30 transactions and shown the 30 transactions. I somehow said that I made some reference to the Auditor-General's Report that was incorrect, but I do not know what is incorrect in my saying that the issue of the police station was one of 30 transactions that were in the Auditor-General's Report. The schedule was not, and I accept that, but the whole report by the Auditor-General stated up to 30 transactions; without those transactions, there was not any inquiry. So, this one is spinning around but, before the end of question time, I will check when that project was completed and what, if any, briefings I was provided, but it is pretty hard to be briefed on a project—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am not perfect. I cannot recall everything.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Despite my colleagues' opinion, I am not perfect.

Members interjecting:

The SPEAKER: The honourable member for Bright is out of order.

The Hon. M.J. Atkinson: And he will soon be out of parliament!

The SPEAKER: The Attorney-General is equally out of order.

The Hon. K.O. FOLEY: I conclude by saying that I readily confess that I cannot immediately recall specific issues that I do in this job that go back some 12 or 18 months. It would be reckless and foolish of me to stand in this place and try to give a definitive answer. I will get that checked out as quickly as we can, and I am sure we will have an answer for the honourable member before the end of question time.

The Hon. R.G. KERIN: I have a supplementary question to the police minister, just to help. When was the minister advised that the relocation of the Adelaide Police Station came in under budget by $1.03 million, and was it before yesterday?

The Hon. P.F. CONLON: I rise on a point of order. I need your guidance, sir, on what a supplementary question is because it does not appear to flow from the minister's answer. We have given to this mob 10 questions per question time plus supplementaries. They insist upon them. Can they make sure they are supplementary?

The SPEAKER: Order! May I say for the benefit of the Leader of Government Business that the supplementary question does not have to relate to the answer in the material that is provided as the answer may not have addressed the original question in the first place, anyway.

The Hon. K.O. FOLEY: The whole purpose—

The SPEAKER: I ask the Deputy Premier to resume his seat. In consequence, the supplementary question has to relate specifically to the subject matter of the original question. I have said that previously. It needs to be a fairly concise inquiry for explicit clarification of the subject matter. To that extent, I allowed that supplementary question because it did ask the minister for police, whoever that may have been during the period, when they were advised about the budget position on the project. That had not been addressed in the answer, other than that the Treasurer has said that he will examine his records and get back to the chamber. For the benefit of all honourable members I think we should wait for him to do so. I therefore ask the member for West Torrens to proceed.

The Hon. K.O. FOLEY: Sir, may I conclude?

The SPEAKER: Only if it addresses that specific inquiry.

The Hon. K.O. FOLEY: Yes, absolutely. The inference in the questioning here, which I can understand—

The SPEAKER: No, the Deputy Premier is seeking to second-guess—

The Hon. K.O. FOLEY: No, I am not attempting to do so at all, sir.

The SPEAKER: Using words such as inference means that you seek to infer that the questioner might have been inquiring about something other than what they were inquiring.

The Hon. K.O. FOLEY: In answering the question, Mr Speaker, the issue was asked of me whether I as police minister inquired into one transaction. As Treasurer, I asked for all transactions to be—

The SPEAKER: Order! The Treasurer is now off the topic.

The Hon. K.O. Foley: No, I'm not.

The SPEAKER: The question was—

Members interjecting:

The SPEAKER: Order! The honourable member for West Torrens has the call.

ASBESTOS

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Industrial Relations. What further steps have been taken by the government to inform the South Australian public about the health risks associated with asbestos products?

The SPEAKER: I have advised the member for West Torrens before, to my certain knowledge, that his questions will be addressed to the chair, through the chair, to the minister. The Minister for Industrial Relations.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for West Torrens for his question and his strong interest in this area. Workplace Services is committed to the development of information packages that outline requirements and responsibilities associated with the identification and removal of asbestos. These packages are designed to educate and assist people to avoid exposure to asbestos fibres. The first package released related to the home renovator. Since then, a further brochure has just been released relating to the home mechanic.

The new information booklet, called *Asbestos and the Home Mechanic*, is a basic guide on what a person working at home on their vehicle needs to know about asbestos and explains how to work safely on vehicles that may contain asbestos. There are many vehicles still in use today that have asbestos contained in brake pads or shoes, gaskets or clutch plates. When performing maintenance work, there is a need to be aware of the possibility of being exposed to asbestos. Dry brushing any of these parts or even tapping them can release asbestos fibres into the air.

The information in the booklet covers all aspects of asbestos management, from asbestos hazards and health risks in handling likely asbestos products in vehicles to simple techniques to avoid the risk. The government will be seeking to enlist the support of motor parts retail outlets to help educate people undertaking maintenance on their vehicles about asbestos safety. Booklets will be distributed to motor parts retail outlets, motor trade associations, motoring clubs, roadside assistance associations and members of parliament.

Input from community groups such as the Asbestos Victims Association has proven to be invaluable in developing this framework. The government is committed to making our community safer. We have made real progress, but there is still much more work to be done.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Given that the Auditor-General's Report of the Attorney-General's Department for 2002-03 refers to the Crown Solicitor's Trust Account on pages 678 and 684, how can the Attorney claim not to have known of the existence of the Crown Solicitor's Trust Account?

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, of course a firm of solicitors, which is essentially what the Crown Solicitor's office is, has a trust account, because they have to operate it for the purposes of their litigation. Such a trust account would be necessary for any group of solicitors. What in particular it is called is not germane. The main point here is that a public servant has resigned and another has been stood down, because financial statements were falsified. That is the main point here. You are just trying to change the subject.

The Hon. DEAN BROWN: I rise on a point of order, sir. The question is very specific indeed: how can the Attorney-General claim to have not known of the existence of the Crown Solicitor's Trust Account?

The SPEAKER: And the Attorney-General has answered that question by stating that the trust account is there and has been there ever since program performance budgeting was introduced, or almost at about that time, and the purpose of that trust account is to receive money from clients, as does any other firm of solicitors. Those clients, of course, are government departments and agencies who are using the Crown Solicitor in the course of their work. One might assume that there are numerous transactions or transfers of funds from departments to that trust account in order to cover the prospective cost of action and advice. What specific reason they would be for would not be known to the Attorney-General. I am perplexed by the direction of the questioning.

The Hon. R.G. KERIN: In explanation, sir: although I agree with everything you have said, the reason for the question is that the Attorney-General has previously told the house he was unaware that there was a Crown Solicitor's Trust Account. That is the purpose of the question.

The SPEAKER: The Attorney-General has the call to address that matter.

The Hon. M.J. ATKINSON: Mr Speaker, I have answered the question adequately.

LE FEVRE PENINSULA, FAMILY SUPPORT

Mr CAICA (Colton): My question is to the Minister for Families and Communities. What support is the government providing to the families and communities of the Le Fevre Peninsula?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): Recently I was honoured to attend, with the Deputy Premier, the reopening of the Taperoo Family Centre. And just to scotch an unfortunate rumour, there is no truth to the rumour that the Le Fevre Community Hospital, which is the birthplace of two significant members of our side of this house—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Indeed, and others—had anything to do with our funding levels for this important institution. The centre is funded by the state government through the Department of Families and Communities with $36 800 a year, and it received additional funding of $48 460 in one-off grants. This is an important community house that ministers to some of the most disadvantaged suburbs in our community. The surrounding suburbs of Taperoo, Largs North and Osborne are highly disadvantaged communities that really suffer from a great range of difficulties.

The new and improved premises in Yongala Street will allow the centre to provide a range of self-help services. It will also ensure that we work closely with Uniting Care Wesley, Port Adelaide, and integrate services with local government and other state and federal government programs. It re-focuses on prevention, self help and advocacy for individuals. It deals with adult literacy and numeracy classes, training in a range of computer programs, an over 50s group, a recently established grandparents as parents program, and a weight loss and fitness group. It also has meditation and relaxation group classes—for members opposite who may need to calm down from time to time.

The Taperoo Family Centre has also played a major role in the community over generations. This is a crucially important part of the new role the Department of Families and Communities seeks to play in the broader community. It seeks to promote and provide linkages at a community level, to provide support in families. We know that isolated families are families where bad things can happen. We need to get people out of their houses and connected up with their neighbours and in that provide support to them and overcome some of the difficulties that these most disadvantaged neighbourhoods suffer.

DEPARTMENTAL FUNDS

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer inform the house how many public servants, and from which departments, have been stood down or are under investigation due to their involvement in unlawful transactions designed to conceal unspent funds from Treasury? Yesterday the minister stated:

> At least one officer is facing disciplinary action. It may be that others will face disciplinary action because there were other officers involved.

The Hon. K.O. FOLEY (Treasurer): I am happy to get that information and report back.

DIRECTOR OF PUBLIC PROSECUTIONS

Ms CICCARELLO (Norwood): Will the Attorney-General advise the house how the Office of the Director of Public Prosecutions is using the extra resources recently allocated to the office?

The Hon. M.J. ATKINSON (Attorney-General): In 1997 a review of the operations of the Office of the Director of Public Prosecutions recommended an immediate $1.5 million recurrent funding increase. That was back in 1997.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, I am going to tell you.

The SPEAKER: Order! The member for Bragg—

The Hon. M.J. ATKINSON: I thank the member for Bragg for making it clear what the question is.

The SPEAKER: Order! The question is as stated. The Attorney-General does not need the assistance of the member for Bragg, in spite of the fact that she may be quite bright.

The Hon. M.J. ATKINSON: But, sir, she so often assists me in question time with her interjections. That money was never allocated to the Office of the DPP by the previous Liberal administration—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: —zilch, nothing—despite the Liberal government being aware, as a result of that report, of the need for urgent funds. So, we had a colossal backlog in cases, an unacceptable case load on each officer in the Office of the Director of Public Prosecutions as a result of the previous Liberal administration ignoring that report.

In July 2002, that is, after the compact between the member for Hammond and the Australian Labor Party, only months after coming to office the Rann government announced an extra $1.168 million for the office over four years, that is, a $275 000 recurrent annual increase in the office's budget.

Mr Brindal interjecting:

The SPEAKER: Order, the honourable member for Unley!

The Hon. M.J. ATKINSON: Hark! In May 2003 the Rann Labor government announced an additional—

The SPEAKER: Order! The Attorney-General knows that he may not refer to other honourable members by their family name.

The Hon. M.J. ATKINSON: No, sir, my remark was 'hark', as in 'Hark, the herald angels sing', as in—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Oh, I am sorry. I assure you, Mr Speaker, that I was not referring to the member for Unley as 'Mark'. The government announced an additional $1.142 million for the office over four years—a further $275 000 recurrent increase in the office's budget. In November 2003, recurrent funding was again increased by $500 000. That was to accompany the—

Ms Chapman interjecting:

The SPEAKER: The member for Bragg will come to order.

The Hon. M.J. ATKINSON: —announcement of the Minister for Police of 200 extra police, giving South Australia the largest number of police it has ever had in its history. Of course, if one increases the number of police one must also increase the number of officers in other parts of the justice system. That is why we needed more prosecutors, and we funded it. There was an additional one-off funding allocation of $110 000 in July 2003. The office has also—

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright will come to order.

The Hon. M.J. ATKINSON: —been funded for two separate projects this year: the office's infrastructure project (Integrated Justice Program, Prosecutions Case Tracking) to improve the case management system; and funding for direct costs associated with the 'bodies in the barrel' trial. I am advised that the additional funds are being used to recruit staff. Since 1 July 2003, 16 additional staff have been employed, including new legal witness assistance and administrative staff, as well as meeting—

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: The member for Davenport can deride witness assistance officers if he wishes to, but I can assure him that victims of crime, particularly children who are victims, appreciate their services. So, the member for Davenport can sneer at their work all he likes.

The Hon. I.F. Evans: I don't think I did.

The Hon. M.J. ATKINSON: Well you did—as well as meeting the costs of equipment and accommodation for those staff. Some of the money will also be used to provide training and development for all staff, to improve research and policy capacity within the office and to improve business systems and work processes.

The opposition interjects about the annual report of the Office of the Director of Public Prosecutions. Members will find magnanimous praise in that report for what this government has done, contrasting with what the previous Liberal administration did not do.

In addition, in June 2003 I announced that I had approved funding of around $250 000 from the Victims of Crime Fund to meet the cost of dedicated witness assistance for young victims. This special funding supports 3½ full-time equivalent witness assistance officers to work exclusively with children. This announcement more than doubled the support for South Australian children who witness crime, allowing for the appointment of another 2½ full-time equivalent social workers. We may talk tough on criminal justice. Yes, we do. But unlike those members opposite, we have shown that we are willing and able to back up that talk with action.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr WILLIAMS (MacKillop): My question is directed to the Treasurer. With regard to the transfer of unspent moneys from the social inclusion program for school retention, will the Treasurer confirm to the parliament, as he did to the public of South Australia on ABC radio this morning, that:

> This is actually in the Auditor-General's Report. This one is already referred to in the Auditor-General's Report. It's up-front and already on the public record weeks ago.

The Auditor-General's Report notes that $3.1 million in 2003 and $2.8 million in 2004 was paid into the Attorney-General's Trust Account—

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: I apologise—into the Crown Solicitor's Trust Account, with no further detail provided.

The Hon. K.O. FOLEY (Treasurer): I said on radio this morning, and I say here again, that the matter was one of 30 other transactions referred to the Auditor-General by the CE, Mark Johns, for investigation. It was not, as some may have assumed from the way it was presented both yesterday in the house and on radio today, a new revelation and it was not a new transaction. It was one of the transactions investigated initially by the CE of the Department of Justice, Mr Mark Johns, and his officers, and referred to the Auditor-General, and was part of the Auditor-General's inquiry. As I said, my understanding is that the Auditor-General gave a schedule to the Economic and Finance Committee this morning, and I am looking at it.

An honourable member: This morning?

The Hon. K.O. FOLEY: It met this morning. I do not sit on the committee and I do not know what was referred to. The $445 000 is there; but it was one of the up to 30 transactions referred to. The funny thing is (and I stand to be corrected because I may be wrong) that I recall the shadow treasurer, or others, referring to this transaction some weeks ago. I will go back and look at what information has been provided publicly but, as I have consistently said, I do not know what more I can do. I was asked about this issue—

An honourable member: Tell the truth!

The Hon. K.O. FOLEY: That is exactly what I have done and what I am doing. Unless they want to move a substantive motion or otherwise, I ask that the opposition withdraws that comment. I have consistently told the truth. They have just said that I have to tell the truth.

The SPEAKER: The honourable the Treasurer ought not respond to interjections. I did not hear the interjection.

The Hon. K.O. FOLEY: Mr Speaker, if the inference is that I have not told the truth, I take offence at that: that is simply incorrect. The transactions investigated and reported on by the Auditor-General were what I was referring to. The social inclusion money was one of those transactions. I cannot be more up-front and open than that. The pedantic points picked up in here today are of interest in question time, maybe, but I can do no more than make the point that this issue and the police station issue were transactions inquired into by the Auditor-General. What is the crime that I have committed by simply confirming that this was one of the new transactions? It is not a new revelation, as some people may have attempted to portray.

DEPARTMENTAL FUNDS

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. Has the minister met with her Chief Executive Officer to seek an assurance that no transactions of the kind described by the Auditor-General as unlawful have not been or are not being followed within her agency? If the minister has not sought this assurance, why has she not done so, and will she now do so? Yesterday, when the Treasurer was asked to give an assurance that transfers of the type outlined in the Auditor-General's report were not occurring in other departments, he stated: 'I hope that there are no other incidents, but I cannot be absolutely certain.'

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Mr Speaker, through you, I thank the member for Bragg. We are fortunate that we do not have to wait for her to advise us on proper procedure within government because, of course, I have discussed this matter with my chief executive; of course we have talked about this; of course we have sought assurance; and of course we have documentation in writing. I am grateful that we do not have to wait for her advice.

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Education. The minister said she had asked for an assurance. Did she get that assurance?

The Hon. J.D. LOMAX-SMITH: I am sorry if I did not make it clear. I intended to say quite plainly that I have sought assurances, both verbally and in writing, and they have been given, and it was done some weeks ago.

EMPLOYMENT SKILLS

Mr O'BRIEN (Napier): My question is to the Minister for Employment, Training and Further Education. How do practice firms assist students to gain employment skills?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for his question and acknowledge the work that he does to support me in these portfolio areas, particularly in the area of employment. This morning, I had the pleasure of opening the 2004 State Trade Fair of the Australian Network of Practice Firms at Adelaide TAFE. Practice firms provide students with hands-on and practical experience at running a business, as well as enhancing their employability skills in retail and office administration sectors. Retail and office administration are skill areas in which South Australia needs an ongoing supply of people with practical and up-to-date skills.

Ms Chapman interjecting:

The Hon. S.W. KEY: The member for Bragg might like to know that the employability of people who do these courses has been very positive. We see it as a very important and practical way of giving people the opportunity to get into the retail and office administration areas. These courses have been going for quite some time, and the 10 practice firms across South Australia will be participating in face-to-face trading and networking, enhancing their usual practice of trading via telephone, email or the internet.

Usual business transactions, such as orders being sent, invoices being issued, maintaining financial records and paying employees, give the participants an insight into business sensitivities and develop skills in decision making and group dynamics, as well as working with clients. In each practice firm, students develop a business plan and experience working with a variety of departments, such as human resources, purchasing, finance, administration, sales and marketing. Nationally, 140 practice firms operate under the Australian Network of Practice Firms, and globally 4 000 practice firms virtually trade with each other, with the support of an actual local business.

The practice firms exist with the support of local businesses and conduct business using products and services marketed by their business partner. Today, 40 students of TAFE SA Adelaide city campus have formed Pages Book Store, and it is supported by Borders Book Shop in Rundle Mall to virtually trade in books and CDs internationally. I should say that last week I had the pleasure of meeting students at Port Lincoln TAFE campus, who are involved in the Sportsbiz practice firm run by the students at Spencer TAFE.

ASBESTOS

Mr BRINDAL (Unley): Will the Premier extend his support for fair and appropriate funding for victims of asbestos-related diseases to include people who suffered abuse while in state care, regardless of whether they were in institutions or foster care? Yesterday, the Premier publicly called on James Hardie to 'reach an agreement with victims groups about fair and appropriate funding of compensation claims into the future', and said 'they must not delay.' The opposition agrees that entities which are responsible for past indiscretions should adequately compensate victims—

The SPEAKER: Order! That is debate.

Mr BRINDAL: I am sorry, sir. In explanation, faced with a class action which involved his government, the Attorney recently publicly talked about compensation which protected taxpayers. One can only hope that the government will live up to its claim.

The SPEAKER: Order! Leave is withdrawn. The honourable Premier.

The Hon. M.D. RANN (Premier): I should preface my comments by mentioning that I am, of course, patron of the Asbestos Victims Association, as declared in my declaration of interests. Therefore, the member can be rest assured that fairness will always be my premium.

GREAT ARTESIAN BASIN

Ms BREUER (Giles): My question to the Minister for Environment and Conservation. What progress is being made to protect the water resources of the Great Artesian Basin?

The Hon. J.D. HILL (Minister for Environment and Conservation): I am very pleased to receive this question from the member for Giles, because the Great Artesian Basin, as most members would know, is a vital water resource for our state. It extends across—

Mr Venning interjecting:

The Hon. J.D. HILL: I would not talk too loudly about bores, member for Schubert. The Great Artesian Basin extends across much of this state—Queensland, New South Wales and, of course, the Northern Territory, and it is vital for many pastoralist industries and mining industries in that area and, of course, to many communities. The Great Artesian Basin Sustainability Initiative began in 1999 and, since that time, more than 46 720 million litres of water have been saved in outback South Australia. That results in a water saving of something like 53 million litres a day. So, it is an outstanding project.

The project encourages landholders to reduce evaporation and seepage of water by rehabilitating bores and replacing open drains with closed pipes. I congratulate the landholders and the other industries involved for their contribution to the success of this project. Since the project began, more than 324 kilometres of open bore drains have been replaced with closed pipe drains; 239 bores have been rehabilitated in South Australia since 1977, and there are 27 more bores to go in terms of rehabilitation.

Mr Venning interjecting:

The Hon. J.D. HILL: That does not include the members opposite. The project is funded by the state and federal governments and includes, I am pleased to say, a significant contribution from the Western Mining Corporation, which obviously has a significant interest in water management in that area. In other good news for the Great Artesian Basin, the South Australian government recently prescribed its water supply, and this means that all water use will need to be in accordance with a new water allocation plan. The plan is currently being put together by the Arid Areas Catchment Water Management Board in consultation with stakeholders. So as well as economic benefits the protection of artesian water supplies and pressure also has strong environmental benefits.

HOSPITALS, WUDINNA

Mrs PENFOLD (Flinders): Will the Minister for Health reassure the parliament that the review of procedures and safety at the Wudinna Hospital, to be undertaken on 15 and 16 November, will be completely independent, that the reviewers will be independent of the Department of Health and, furthermore, will she ensure that the terms of reference are broad enough to enable all of those who wish to have input to be heard, and that they will be protected under the Whistleblowers Act? I have written and spoken to the minister regarding my concerns and I am alarmed that I have had no response or reassurance that the review will be independent, nor that justice will be done. A number of staff and patients at the Wudinna Hospital, community members, and others, have written to me raising serious issues about the safety and standards at the hospital.

The Hon. L. STEVENS (Minister for Health): I thank the member for Flinders for the question. Yes, the member for Flinders has raised this matter with me and it is being looked into by my department. I can assure all members of the house that when there are conflicts and issues that need to be dealt with in terms of health services, either through the department or through the many health units throughout this state, the principles of natural justice will apply, and they will apply in this case as well.

ELECTRICITY, EMERGENCY PAYMENT SCHEME

The Hon. W.A. MATTHEW (Bright): Will the Minister for Families and Communities advise the house of the outcome of the government review conducted in 2003 into the Emergency Electricity Payment Scheme, and will he now make the results of that review public?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his question. I will get an answer for him and bring it back to the house.

ADELAIDE POLICE STATION

Mrs GERAGHTY (Torrens): Can the Treasurer advise the house when the relocation of the Adelaide Police Station was completed?

The Hon. K.O. FOLEY (Treasurer): I was asked earlier in question time about when I was aware of the issue relating to the Adelaide Police Station, and whether I was briefed as the minister. I said that I was not sure whether I was the minister at the time. I am happy to clarify this fully and come back to the house with the absolute sign-off on this issue, but I have been advised by the police department that, in relation to the Adelaide Police Station (about which I am the subject of whether or not I have misled the house and whether or not I was doing my job as police minister at the time, and so on), substantial physical completion occurred in July 2002—some 12 months before I was minister. We now have the former minister saying, 'We built it.' Well, you did build it! Why was I not briefed when I was in opposition? I am happy to be held accountable for a lot, but I cannot—

The SPEAKER: Order!

The Hon. R.G. KERIN: I rise on a point of order, sir.

The Hon. M.J. Atkinson: You had better talk to them upstairs!

The SPEAKER: Order!

The Hon. R.G. KERIN: The Treasurer is totally misrepresenting the question he was previously asked. I think you ruled before, sir, about using question time to do what should be done in ministerial statements. The minister is totally misrepresenting the question, which was about when he was briefed about the carryover, not when building was completed.

The SPEAKER: Order!

The Hon. K.O. FOLEY: No; that was not the question.

The SPEAKER: The Deputy Premier has answered the question.

DRIVING TEST BOOKING FEE

Mr BROKENSHIRE (Mawson): Will the Minister for Transport explain why the government has again broken its promise not to introduce any new taxes? Transport SA has introduced a new $15 driving test booking fee.

The Hon. P.L. WHITE (Minister for Transport): The honourable member is referring to a measure in the 2002-03 budget, namely, a reduction in the subsidy to the driver training industry for introduction in 2004.

SCHOOLS, FUNDING

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

Leave granted.

The Hon. J.D. LOMAX-SMITH: Today, I am able to inform the house of a $40.6 million boost to the state's schools—a second dividend delivered in the wake of the government's achieving a AAA credit rating for South Australia. The $40.6 million includes $25 million this year for school maintenance projects and $15.6 million over four years to support the introduction of a new funding model for schools. The centrepiece is the $25 million school pride

program—the most significant one-off injection to improve the facilities and overall appearance of our schools in more than a decade. This new program to build the pride of local communities in their school includes:

- highest priority maintenance projects receiving $5 million;
- asbestos removal, $5.5 million;
- science laboratory upgrades, $2 million; and
- school painting and signage, $12.5 million.

The school pride program will help to address the massive backlog in school maintenance projects inherited from the previous Liberal government. The $12.5 million for school painting and signage will provide funds for all schools for new signs, and schools more than five years old will qualify for funds for painting. The $5 million for high priority maintenance projects will fund general building repairs, floor covering replacement, roof replacement, toilet improvements, modifications to classrooms, stormwater, fencing, paving and landscaping projects. It will also include heating and cooling equipment upgrades as well as electric services repairs.

The Education Department has analysed school asset management plans to determine the most urgent works, and, together with the previously scheduled $12 million for school maintenance, this extra funding will support projects in 260 schools. The $5.5 million for asbestos removal will more than double the annual $4.5 million program to remove asbestos. To meet OH&S issues and problems in science laboratories, six schools will have upgraded science facilities, amounting to an overall $2 million program.

In addition to the School Pride program, today we have also announced the introduction of a single funding model for schools, with an additional $15.6 million over four years for school budgets that will ensure a smooth transition to the new model of funding. Introducing a single model for funding was one of the major recommendations of the Cox review, and this was instigated by my predecessor, the former minister. As a result of that review, we have adopted a unified system of local management for schools and are now following that with a single improved funding model. Under the single funding model, funds will be distributed amongst schools in a way that gives the more than 165 000 children in our state schools a fair deal.

This government is tackling the backlog of maintenance left in schools and is cleaning up the mess of the school funding arrangement that they put in place, because we are recommitted to rebuilding public education.

MINISTER'S REMARKS

The Hon. I.F. EVANS (Davenport): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.F. EVANS: In an answer during question time, the Attorney made reference, I believe, to 16 witness assistance officers and made suggestions that I was deriding the role or appointment of those officers. By way of personal explanation, I point out that the Attorney might recall that I raised with him personally the matter of a rape and a victim of crime payment, with which the Attorney was good enough to assist, and that family may indeed need the assistance of these officers.

The Minister for Employment, in her former capacity, and the Minister for Health in her current capacity will recall that I raised with them a very serious matter about child abuse made against a constituent of mine who has since been cleared. That family may have needed the assistance of these officers. I was not deriding their appointment or their role: I was simply expressing disappointment that only 16 were appointed.

GRIEVANCE DEBATE

The SPEAKER: The house will note grievances. For the benefit of honourable members, I point out that this is not a formal motion and conventionally the Speaker provides the opportunity for members to address it. It therefore does not need members to pass a formal motion at the conclusion. The honourable member for Flinders.

MID WEST HEALTH SERVICE

Mrs PENFOLD (Flinders): I am following up on the question that I asked of the Minister for Health today by putting on record extracts of letters that illustrate the seriousness of allegations that have been made about the Wudinna Hospital and the lack of action that appears to have been taken by those, including the minister, vested with the authority to ensure the safety and wellbeing of patients and staff. I am doing this to try to ensure that these issues will finally be appropriately and fairly dealt with and that there will be no further delays in addressing the concerns expressed.

In a letter written to the Director of Nursing on 10 February 2004, a doctor documented his concerns regarding a very serious situation relating to a patient's medication, which he had ceased, only to find that, within 24 hours, the patient had had an overdose of this same medication. I quote:

> My problem is that the dramatic rise to such a dangerous level would be unlikely to have resulted from the accidental administration of the doses usually used for our patients. . . I have great concern for the safety of my patients as a result of this and other incidents of compromised clinical standards recently. Despite my current probationary status, and the direction given to me from Mid West Health management to refrain from making complaints and speaking out, it is my responsibility as a medical practitioner to protect my patients and above all do no harm.

This doctor is from South Africa, and I have heard a tape recording of him being threatened with repatriation to South Africa by one of his employers.

In March 2004 the doctor wrote to the Acting CEO of Mid West Health after maternity services were withdrawn from the Wudinna district. Anxious pregnant women sought reassurances from the doctor based on the town gossip:

> I heard in the street when returning from holiday recently that the labour ward had been decommissioned. I subsequently sought clarification of this news from the DON who admitted to giving a hospital Auxiliary meeting this incorrect information.
>
> At no point since December has any representative from Mid West Health communicated to me any information which related to the future arrangements or expectations of me by the organisation, in the provision of this service.
>
> Despite the fact that I am the only person in Wudinna qualified and indeed presently contracted to provide the service, I would have expected to have had some part in the preparation of information which the public has received to date.

This is despite the nearest hospital being 100 kilometres away. One mum who did not make it to the hospital wrote this in August:

> At present there are between 20 and 30 pregnant women in the district, most of them first-time mums. We don't want them put in the same position as we were.

A locum doctor wrote to the CEO at Mid West Health documenting his concerns over the level of some of the health

care at Wudinna and the attitude of a staff person to his intervention on behalf of a terminally ill patient, as follows:

. . . what amounted to a reprimand from the CNC followed, i.e. my intervention would now delay his inevitable decease creating:

(a) the need for transfer to an acute care bed in the hospital and the associated considerable paperwork; and

(b) in the event of his death there would be no Medical Officer to attend to the necessary certification and therefore cause considerable inconvenience for staff. In fact he survived a further week!

To say the least I was shocked and appalled by such inhumane, unprofessional and reprehensible conduct. I feel very strongly that you should be informed and ask that you deal with the matter appropriately.

In August 2004 a constituent, in desperation, wrote to the President of the AMA seeking support, citing a range of concerns including the loss of nursing staff, 13 directors of nursing in 10 years and lack of action by the hospital board chairman, as follows:

He told us to stop probing and pushing issues and to be quiet, because if we ask too many questions Wudinna would be closed down and turned into an aged care facility.

In a statement dated 13 July 2004 a patient wrote:

At this point in time any requirement for hospitalisation would lead to me requesting to be admitted to another hospital as I believe certain members of the current staff are unable to give quality care.

In a letter sent to the minister on 14 October this year, a nurse wrote:

I have been employed as a registered nurse by the Wudinna Hospital for one year and have witnessed gross misconduct, mismanagement by the entire hospital board and management of Mid West Health and various fraudulent activities by an ever-increasing percentage of hospital employees. It is my belief that the blame for the serious issues plaguing this hospital can all be squarely laid at the feet of not only the management of Mid West Health but also at the feet of Eyre Regional Health Services.

I call on the minister to ensure that the inquiry that is held into the procedures and safety at the Wudinna Hospital on November 15 and 16 will be completely independent of the Department of Health and that all who want to be heard will be heard, and that they will be protected from threats and harassment.

Time expired.

SCHOOLS, NORTHFIELD PRIMARY

Mrs GERAGHTY (Torrens): I am delighted to have the opportunity today to talk about the reception students at Northfield Primary School on the excellent results that they achieved in the National Maths Challenge. Last year the Northfield reception students took out the top honour in the national competition for their age grouping, coming first in the nation for their project work which, as I tried to say yesterday, involved using their maths skills to sort out the types of food that they ate for recess and lunch, and then they graphed those results.

Today I am absolutely delighted to again have the opportunity of congratulating the Northfield Primary reception students on coming first in their age group in the national maths challenge again. This year the students worked on projects which included a demonstration of mathematical learning about shape, patterning and tessellation. In addition, it is well worth mentioning Garry Ormsby who won the best individual project for a reception student in the state competition awards for his project called 'My football project'. Garry's project focused on his interest in football by building on a variety of mathematics associated with measurement, time, money and amount. A large share of the accolades must go to reception class teacher Ms Chris Ratcliffe, who by no means has an easy task in coaxing such an excellent result out of such young children. The projects the children work on present themselves with a genuine challenge of quite significant difficulty, and the fact that Chris is able to assist her students not only rise to the challenge but also excel is absolute testament to her professional skills, as well as to her commitment to her students.

This achievement is even more significant when considered in the light of the many disadvantages that Northfield Primary faces. Many Northfield students come from backgrounds where advantage is not the norm. In fact, many Northfield students come from backgrounds where something as simple as breakfast in the morning may also regrettably not be the norm. The role the school plays within its community goes far beyond that of just providing education. Many people within the Northfield school community have worked hard to establish such things as the breakfast program to offset the added difficulty that attempting to learn on an empty tummy creates.

I am greatly pleased to hear that the school was successful in its recent application to gain funding for out of hours school care, which will go a long way towards providing parents with some of the recently developed areas in Northgate and Oakden with an incentive to have their children attend Northfield Primary. Of course the flow-on effect from having such students is a range of socioeconomic backgrounds, which will do much to assist in creating a diverse school culture.

The successes of students in the national maths competition is in many ways a confirmation of the fact that strategies adopted by staff at Northfield Primary in promoting the school as a high quality institution are being implemented with such great success. The results are also a vindication of the quality of the public education system. Northfield Primary has always been a focal point within its community, and it has long been the case that parents and students have received unremitting support from staff of the school, as well as returning that support through volunteering and active participation in the school community.

I found extremely exciting the great advances Northfield has made in recent years under the leadership of Sharon Broadbent who, with her excellent staff, have done an enormous amount to promote the value of education and of pride in one's school but who has also, most importantly, sought to empower students through their learning and provided an environment in which wonderful successes have been achieved.

I cannot say how proud I am to see Northfield Primary attaining such high levels of achievement. It is wonderful to be involved with a school community and to provide the type of assistance that a member of parliament does. It is encouraging to know that the five year olds who have had the benefit of an early education at Northfield have been guided in such a way as to maximise their chance of success in the future.

Time expired.

HEALTH INSURANCE

Mr SCALZI (Hartley): Today I wish to bring to the attention of the house the affordability of private health cover. Many members will no doubt have constituents on waiting lists who have come to them, and they know that if they had

private health cover they would be able to have the required surgery. The affordability aspect is very important. Whilst I commend the federal government for having the 30 per cent rebate, which has allowed greater affordability and enabled people to retain their health cover, I believe the private health funds could and should do a lot more, especially for the elderly and those who are over the age of 30 and who have not been able to obtain that cover due to unfortunate circumstances.

For example, I had a constituent who contacted my office regarding a situation whereby in 1997, due to personal hardship, he was obliged to break his private health cover of 13 years standing. When his circumstances changed, permitting him to be able to afford private health cover, my constituent discovered that he would now be treated as a new client and, as he was over the age of 31, that he would incur a 2 per cent loading for each year above that age as per federal legislation which came into effect in July 2000. My constituent's case (and there are many like his) would amount to a 22 per cent loading on his premiums. He had also missed the 1 July 2002 deadline to lodge an application under the hardship provision incorporated into the lifetime health cover legislation.

My constituent stated that there was no intentional delay in his taking up hospital cover. Quite simply, he was unable to maintain insurance cover due to life events, including workplace injury, redundancy and family break-up, which coincided with the introduction of the lifetime health cover system. He considers that there should be ongoing provisions for genuine cases of hardships which prevent individuals from taking up the government's offer to enter private health cover on the base rate before 1 July 2000.

Furthermore, he considers that, in cases such as his, prior longstanding membership of a private health fund should be taken into account against a 2 per cent per year premium loading for persons over the age of 30. My constituent has a modest income but, nevertheless, he wishes to take up private health cover. However, he considers that, currently, no options are available to him and that he has been penalised for his inability to maintain coverage for a period of financial and personal hardship which is beyond his control.

I also bring to the attention of the house the fact that many elderly constituents have paid private health cover from, say, the age of 30 to 60, and that is what will happen in the future. When you pay $2 400 a year, or thereabouts, as a percentage of your income when you are getting $40 000 or $50 000 a year you can afford it. But come retirement you might have only $15 000 to $20 000 real disposable income, and that $2 000 or $3 000, as a percentage of real disposable income, is a big impost. I believe that if the health funds have taken premiums for 30 years when a person can afford it there should be some sort of provision, such as a superannuation scheme (working on the same principle), whereby they take some sort of responsibility, especially when the funds are getting subsidised by the taxpayer to provide adequate health cover as a percentage of a person's real disposable income, whether they be pensioners or self-funded retirees.

That would make sense. It is no good taking from people when they can afford it and leaving them out in the cold when they cannot. I think that governments of all persuasion, given the increasing age in the population, must come to terms with that. Unless health funds are prepared to do their bit, instead of just taking the subsidies, we will have that problem perpetuated.

MATTERS OF PUBLIC IMPORTANCE

Mr RAU (Enfield): I want to say a few words today about matters that arise from question time. Over the last few weeks I have been interested to listen carefully to what the Speaker has said to the parliament about question time being a time for questions and answers and the fact that it is not really a forum for debate. Sitting back here with the member for Colton in the bleachers, it does occur to me that, perhaps, this is an example of the fact that there is an unmet demand for debate in the parliament. Mr Deputy Speaker, I think we need to review the procedures of the parliament. I know you personally are a big supporter of a review of the procedures of the parliament, and I believe the Speaker is also very enthusiastic about it. I know the member for Colton is also enthusiastic.

I want to raise one matter that I think might be of assistance, and that is that the federal parliament has a thing called a matter of public importance. A matter of public importance (generally known as an MPI) is something that might be moved by either the government or the opposition at the conclusion of question time. An MPI gives an opportunity, or a vehicle, for debate about a matter of current interest to the parliament or to the community.

My suggestion, for what it is worth, is that we set aside a period of, say, one hour for a matter of public importance and to insist that the first speaker on the matter could contribute for no longer than 10 minutes and that the first speaker in response could respond for no longer than 10 minutes. The balance of the 40 minutes of that hour would be set aside for five minute maximum contributions. I underline the word 'maximum', and I think, Mr Deputy Speaker, you understand that because many of your contributions do not take up the full time, and I think that is an example we should all look to and pick up on.

For example, a week or so ago the issue of the Auditor-General's Report and his views about the Solicitor-General's Trust Account came into the public domain. It was obvious to anybody in this parliament that the questions during question time, which were straining at the bit basically to argue the toss about whether this was right or wrong, were evidence of the fact that members of the opposition had points they wished to make about this issue—and that is fair enough: so they should.

The Treasurer has said publicly, not only in this parliament but also on radio, as I heard him this morning, that he believes that this is an issue of importance and it is a matter about which he is concerned. Either the government or the opposition, if my proposal about a matter of public importance had been picked up, could have said, 'The Auditor-General's Report is now to be the subject of a matter of public importance debate for an hour after question time.' Members of the opposition would not need to couch their questions in terms of arguments but could or could not ask their questions and use the answers to those questions as ammunition, and we could have the actual debate about the point in the matter of public importance forum which occurs afterwards.

The other benefit would be that those of us back here in the bleachers who do not participate, because of our relative irrelevance, in most of what goes on in this parliament would at least have the opportunity to stand up and have five minutes' say on a matter of current interest and would be able to participate in an active fashion in the debate of the

parliament. That would be a big step forward. It would make the parliament more relevant and would be an opportunity to engage those of us back here in the bleachers in the process of public debate. That would be a useful thing and something that we should do sooner rather than later. I will be bringing this matter forward in the hope that other members agree with me and, ultimately, join with me in seeking such a change.

ADELAIDE CUP DAY

Mr MEIER (Goyder): Yesterday, the Premier announced that he intends to shift the Adelaide Cup holiday to March. Amongst his comments he said, in considering the request from the Magic Millions and Adelaide Cup racing bodies:

> If that's what the SAJC and Magic Millions want, then I'm prepared to back it. Let's face it, the Adelaide Cup long weekend in May has been a wash-out more often than not. It has rained on Adelaide Cup Day in something like 19 of the past 30 years—and certainly on four of the five past cup days.

I wish the Premier would think about a little bit more than just little old Adelaide because, for 30 years, we have had the most successful Cornish festival in Australia (in fact, it is regarded as the most successful Cornish festival in the world) held on the May long weekend. I happen to be President of that organisation. I spoke with the Vice President and the Mayor, and found that they had not been consulted on this change. The effect on us will be enormous. In fact, there is now a big question mark as to whether it will be possible to hold the festival beyond next year's festival of 2005. Surely, the Premier would consider the importance of regional tourism events, but I do not think he does. His media release stated:

> 'With the spotlight on Adelaide during the Carnival, we will have a fantastic opportunity to promote Adelaide not just as a tourist destination but also as a great place to do business, work and live,' Mr Rann said.

That is fine; he is looking after the metropolitan area. The Premier talks about wanting to look after regional areas and then his actions belie his words. He could have at least consulted or made representations and thought a little beyond the Magic Millions and the Adelaide Cup, because the importance of this festival to my area is enormous. It attracts visitors not only from all over the state but also from interstate and overseas, and surely we should be promoting regional areas as well as Adelaide to overseas visitors. Adelaide always benefits, because the visitors usually stay in Adelaide for a few days when they come over.

The idea of a Cornish Festival was suggested by a person whom the current Premier admired, namely, the former premier, Don Dunstan. I wonder what the former premier would think of the current Premier if he knew what decisions were made yesterday. It is very difficult to attract industry into my area. True, we have had some great successes, but those industries employ only between 100 and 300 people, and many employ only between two and 10 people. To have the largest Cornish festival in Australia and possibly in the world, where up to 80 000 attend, being put to one side is tragic. I suppose the Premier might say, 'Surely, you can have it over two days?' The key thing about our festival is that it is oriented around three towns, namely, Kadina, Moonta and Wallaroo. Traditionally, Saturday is very much oriented around Kadina; Sunday is oriented very much around Wallaroo; and the Monday is oriented almost entirely around Moonta. So, we need three days.

Maybe the Premier would say, 'Well, you can have it in March as well.' For a start, one of the key things we push are our pasties, and we do not mind if the weather is a bit cold because it helps to sell pasties. It is all very well for the Premier to say, 'It rains too often.' I can tell members that the climate is that much better in the Copper Triangle. In fact, invariably when it is raining in Adelaide we do not get the rain, which is unfortunate from the farmers' point of view. However, it means that rarely are there any extended periods of rain when the festival is held, and the people who come to the festival really appreciate that. The festival is particularly oriented around Cornish traditions, including Cornish pasties, so we want the cooler weather.

The other aspect is whether we are going to try to compete with the V8s or the Easter Oakbank Carnival, and with everything else that is going on, namely, the Adelaide Festival of Arts, which is held at that time. We would be silly to say, 'Guess what, another festival when everyone else is having their festival.' Where are the people going to come from? I implore the Premier to reverse his decision.

ADMINISTRATIVE AND CLERICAL OFFICERS ASSOCIATION

Ms THOMPSON (Reynell): In 1975, I was elected as the State Secretary of the Administrative and Clerical Officers Association. At that time, the union had about 4 000 members in South Australia, 80 per cent of them being men, and I was aged 27. So, the fact that a young woman was elected as secretary of this union was quite newsworthy. I was very proud of the achievement, as were my family and many members of the union.

I therefore accepted an invitation from Bill Rust, then Industrial Reporter with *The Advertiser*, to be interviewed on this occasion. Bill indicated that he would like to bring a photographer with him. I duly cleaned up my office—my desk has not always been the tidiest—and prepared myself for the interview and subsequent photograph. I was somewhat surprised when the photographer did not want to take a photo of me in the office but started looking around to see what props there might be for a more informal photograph. It was a wet day and I had with me my umbrella. Back in 1975 it was quite common to use transparent umbrellas that came quite some distance down so that they could cover the head and shoulders. They were quite practical umbrellas. The photographer decided that this would make a nice photograph of the new state secretary of ACOA, peering out behind the umbrella.

Ms Chapman interjecting:

Ms THOMPSON: The transparent umbrella, I make the point, member for Bragg. I indicated that I did not think that this was an appropriate photograph, that it did not seem very professional and it was my professional achievements of which I was proud. They reluctantly took some photographs of me in my office but said that they would also like one outside just for fun. The clear implication was there that if I did not go along with the posing of their choosing that would be the end of the story. So, at 27, in 1975, which was the International Year of Women, but it was not a time when women were prominent in public life, I went along with them. I am able to talk about this now, 30 years later, because it was such a momentous event in my life. I felt that I was being poorly portrayed. I was not happy about it but the media prevailed.

So, what do we have in the last few weeks? We have had the newly elected member for Adelaide portrayed along the side of a swimming pool, and we have had Senator Wong, who has achieved the notable mark of being elected to the shadow cabinet, being shown flying away with her briefcase. I do not know the circumstances of these photographs, and do not in any way wish to speak on behalf of those two women. They are perfectly capable of speaking on their own behalf. But what distresses me is that nearly 30 years after that incident that I experienced and found distressing at the time, women politicians, women unionists, and women leaders in our society, are still frequently shown in ways that are not generally used when portraying men. I acknowledge that Kim Richardson was shown jumping for joy, but this is not particularly gender related. There has recently been a book published entitled *Media Tarts: How the Australian Press Frames Female Politicians*, written by Julia Baird. This book catalogues instance after instance of prominent women being shown for factors relating to their gender rather than for achievements.

I am no dour old biddy, and recognise that at times there are issues that relate to being a woman that are, in fact, relevant to what we do, but it is being a woman, not our sexuality, which is important on these occasions. Nobody's sexuality is important. It is often relevant that somebody has a perspective of life experienced through particular eyes. That is quite legitimate, but I really implore of the press to look at Julia Baird's book, and think about what they do. Members also can think about their behaviour and not emphasise people's sexuality.

Time expired.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT

Ms BREUER (Giles): I move:

That the first report of the committee, being the annual report 2003-04, be noted.

I am delighted to be able to speak on the committee's first annual report, which contains a summary of its activities for 2003-04. The committee, which held its inaugural meeting on 27 November 2003, held regular meetings in Adelaide and also travelled widely. In the first half of 2004, it visited Aboriginal communities at Davenport and Dunjiba (Oodnadatta) and completed a five-day road trip which took in six communities on the eastern side of the APY lands. The committee has also met with a number of Aboriginal organisations in Port Augusta, Alice Springs and Umuwa in the AP lands. In Adelaide, it heard evidence from 30 witnesses.

Under the Aboriginal Lands Parliamentary Standing Committee Act 2003, the first of the committee's six functions is to review the operation of the Aboriginal Lands Trust 1996, the Maralinga Tjarutja Lands Rights Act 1984 and the Pitjantjatjara Land Rights Act 1981. Consequently, as a matter of priority, the committee met with the chairpersons and representatives of the Aboriginal Lands Trust, the APY Lands Council and the Maralinga Tjarutja. The committee intends to meet with representatives of those bodies each year, as well as undertaking regular visits to communities located on the lands they administer.

For far too long many Aboriginal communities have been cut off from this parliament. The Aboriginal Lands Parliamentary Standing Committee is working hard to change that. Its goal is to establish and sustain strong and direct relationships with Aboriginal communities, regardless of how near to or how far they are from Adelaide. As those relationships deepen, and trust is built up on all sides, so parliament as a whole will be better able to address matters of priority for Aboriginal people in an appropriate, effective and timely manner.

The committee also wants Parliament House to become a more welcoming and familiar environment for Aboriginal people, regardless of age, life experience or mother tongue. To that end, in the first half of 2004 it hosted a breakfast for the full board of the Aboriginal Lands Trust and also met with student representatives from the Wiltja high school program. Those young students have been back to Parliament House on a number of occasions, and it has been delightful for us to meet with them.

Every Aboriginal community is unique. It has its own history, goals and challenges. Nevertheless, the committee is discovering that a number of the problems experienced on the APY lands, for example, are felt just as keenly in other parts of the state. Thus, in all the committee's travels it has heard repeatedly of the pressing need for Aboriginal communities to have access to more and better housing—a major need for these communities—and to genuine training and employment opportunities.

On behalf of the entire committee, I thank all the communities and individuals who welcomed us this year and who took the time to explain to us something of their hopes, fears, struggles and frustrations. The committee looks forward to continuing and deepening those discussions in the year ahead. This is a hardworking committee.

In order to grapple with complex social, cultural and economic issues involved, members of the committee are having to acquire a broad understanding of Aboriginal perspectives and priorities. I would like to acknowledge the time and effort of the Presiding Member, the Hon. Terry Roberts, and the five other committee members, Mr Kris Hanna, Dr Duncan McFetridge, the Hon. John Gazzola, the Hon. Robert Lawson and the Hon. Kate Reynolds. As a local member, with a majority of those communities in my electorate, I am very pleased to be able to serve on this committee, which did not meet in the previous government's term. I believe that we have achieved a great deal for reconciliation in this state through our work in the last 12 months.

I especially want to mention Secretary Jonathan Nicholls, who has been the backbone of our committee. He is intelligent, hard working and diligent and he holds a unique role as Secretary of this committee compared to the secretaries of the other committees. We have certainly learned to appreciate his wit and his humour, and it is not easy to act as nursemaid to seven members of parliament, particularly on travels away from this place into Outback communities. However, Jonathan manages to maintain his cordiality and his patience while he is with us. He was also able to show us his remarkable singing talents on one of his trips. We certainly appreciate his work for us and his outstanding ability to be able to collect and collate information for us and to deal with individuals and communities as necessary. It is a very difficult job and he has done it extremely well, and I know the committee expresses its heartfelt thanks to him for his work.

I also pay tribute to minister Roberts, who has had a very difficult time in the last 12 months with many of the issues happening in this state, particularly in the AP lands. I believe he has done an excellent job as chair of our committee and that our committee has functioned extremely well, despite the fact that it represents Labor members, Liberal members, Democrats and Greens, all on the one committee. We have been able to work very well under the leadership of minister Roberts.

Dr McFETRIDGE (Morphett): I reiterate the comments of the member for Giles, who is a very hardworking member of this committee. As the lands are in her electorate, she also has a personal interest in this issue. However, I know that the honourable member has had a longstanding interest in this matter. It is a very united committee. The committee comprises Liberal, Labor, Democrats and Greens members and we have a real mix and match of all sort of personalities and differing ideologies, which makes this a very good committee for me to be on, for the parliament and, more importantly, for the people whom it was set up to assist, namely, the Aboriginal people of South Australia.

We hear a lot about the APY lands, but it is not just the APY lands that this committee looks after: we are concerned with all the Aboriginal lands in South Australia. So far we have spent time in the APY lands and we have been to the Far North, the Mid North and Yorke Peninsula. We will be going across to the West Coast later this year and then down south to talk to members of all Aboriginal communities in the state to make sure that they are able to achieve what they want to in this life. We want that for everybody in South Australia.

The committee held its inaugural meeting on 27 November 2003 and, as the minister states in the annual report:

> The committee was established with the aim of building stronger, more direct and more enduring relationships between Aboriginal communities and the South Australian parliament. Such relationships will ensure that the parliament is better able to hear and understand Aboriginal concerns and aspirations.

It involves not just understanding their concerns and aspirations. I will take it further than that: it is understanding their culture, their ethos, their families and their tjukurpa, a Pitjantjatjara word for Dreaming stories. It involves more than the dreams that we have when we go to sleep; it is almost like a religion. I for one have come to appreciate far more deeply the values and the worth of culture to all Aboriginal communities.

This weekend I am going to Iga Warta, north of Leigh Creek, to participate in an Aboriginal cultural awareness weekend, and I hope to learn to understand more deeply the wants and needs of Aboriginal people. The Hon. Greg Crafter back in 1987 in a speech when he was talking about the Maralinga Tjarutja Land Rights Act 1984 commented, 'The fact that it gets members of parliament out into the lands, whether it be the Pitjantjatjara lands or the Maralinga lands, can only be a benefit from an educational point of view.' I would encourage every member in this place to link up with members of the Aboriginal Lands Standing Committee and come with us to visit these places at some stage, because it will really open your eyes. Whether it is the APY lands or other areas in the state, it is very important that every member in this place is not only aware of their own constituency but also aware of what is going on outside of their constituencies.

The hardest working member of our committee is our secretary, Jonathan Nicholls. Jonathan has gone above and beyond in ensuring that all members of the committee are well and truly informed of issues that have been placed before the committee. Jonathan has been able to organise our trips with the professionalism of the best adventure tourist operator, because some of these tours are difficult logistically to organise. While they are certainly not tourist adventures, we do get to see some of the most beautiful country in South Australia, particularly in the APY lands.

I would encourage members of parliament to go and visit the Aboriginal lands to recognise what a valuable part of the South Australian community Aboriginal communities are. I certainly am enjoying the opportunity, the pleasure and the privilege to be on the Aboriginal Lands Standing Committee. I am enjoying working with the members of parliament because they are true professionals working very hard to try to get some significant outcomes.

I know the member for MacKillop once said in this place not long ago that, if he left this place and the Aboriginal communities had not benefited from his presence in this place, he would be a very disappointed person. I should remind the house that in my first year in the place the member for Stuart, the Hon. Graham Gunn, took me, the member for MacKillop, the member for Schubert and some other members of parliament to the lands. We had a quick look through there. That was enough to convince me that one of the things I should be doing in this place is trying to ensure that Aboriginal communities are able to achieve whatever they need to fulfil their wishes and their dreams, because they certainly have had a very tough time thanks to some of the ill-informed and misguided ways of the past.

It will be my pleasure to be a member of this committee in the future to make sure that all Aboriginal communities and individuals in South Australia do benefit from what is going on in this place here, because this place—unfortunately for them—is a large part of the process that controls their destiny. However, with members like the member for Giles and the other members on the committee, we will ensure that the Aboriginal communities in South Australia do benefit from the Aboriginal Lands Standing Committee. I recommend the report to the house.

Motion carried.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (PROHIBITION OF PUBLICATION OF CERTAIN MATERIAL) AMENDMENT BILL

Mr BROKENSHIRE (Mawson) obtained leave and introduced a bill for an act to amend the Reproductive Technology (Clinical Practices) Act 1988. Read a first time.

Mr BROKENSHIRE: I move:

> That this bill be now read a second time.

I want to be very brief, in moving it. I have already said in this chamber before why I have introduced this bill. I ask all colleagues to consider this bill. It is an important bill and I give notice to the parliament that I do want a vote on this bill as soon as possible. That is all I have further to say. I ask members to refer back to my notes.

The Hon. M.J. ATKINSON secured the adjournment of the debate.

CONTROLLED SUBSTANCES (PROHIBITION OF SALE OF WATER PIPES) AMENDMENT BILL

Mr BROKENSHIRE (Mawson) obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Mr BROKENSHIRE: I move:

That this bill be now read a second time.

Again, I will be brief in the interests of trying to accommodate other colleagues in the Legislative Assembly. However, I do wish to call on my colleagues to refer back to my second reading speech in the last session when I passionately introduced this bill, because I am very concerned about the growth in illicit drug use in this state. We have to get serious about the prevention of illicit drug spread in South Australia. I therefore ask all members to read my second reading speech. I also ask give them notice that I intend to draw this to a division to get a decision on it to move to the upper house as soon as possible.

The DEPUTY SPEAKER: The chair is somewhat overwhelmed by the brevity and clarity of speeches. It is a welcome development.

The Hon. M.J. ATKINSON secured the adjournment of the debate.

SHOP TRADING HOURS (CHRISTMAS TRADING PERIOD) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Shop Trading Hours Act 1977. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

I have introduced this bill to try to come to a reasonable compromise in respect of what is an unusual situation in this state, namely, the Christmas-New Year holiday period. I do not know whether members realise, but because of the way in which the holidays fall and with the amendments made last year to the Shop Trading Hours Act, we will have a situation where for six days of that period of 10 days general shop trading will not be able to occur. In that respect we are different from every other state and territory in the commonwealth.

On Christmas Day, which falls on a Saturday, there will be no general trading; on Boxing Day, 26 December, there will be no trading; on the Christmas Day holiday on Monday there will be no trading; and, on the Proclamation Day holiday, Tuesday 28, there will be no trading. On the next weekend, the New Year's Day falls on the Saturday, with no trading; there is trading on Sunday 2 January; and no trading on the New Year's Day holiday the following Monday. I have been trying behind the scenes to come up with a reasonable compromise. The first one I put forward in discussions with the SDA, the union—

The Hon. M.J. Atkinson: Great union!

The Hon. R.B. SUCH: Well, it is—and the retailers was in effect to suggest that we have two three-day long weekends, giving up the Sunday 2 January and allowing shopping on the Tuesday Proclamation Day holiday. I met with Don Farrell and he did not like the idea (some retailers did not like it). His union was not keen on it either. I have come up with another formula, as expressed in the bill. I have sent a copy to the union but have not had a response. I therefore suspect that they do not like it, either. The major retailers, or at least their spokesperson, do not particularly like my compromise, either. This suggests that I am probably close to what the people really want. A spokesperson for the major retailers said that, if we are to have a situation of trading as expressed in my bill to be allowed on Proclamation Day, they would like it to be of the order of 12 or 14 hours, and I have said that that just will not happen. It will be quite an achievement if I can get this measure through.

In essence, this measure says that on Proclamation Day, Tuesday 28 December, in the CBD only and in Glenelg (which many people think has an exemption but it does not), retail trading will be available for department stores, large supermarkets and the like, and the hours would be 11 a.m. to 5 p.m., with the proviso that no shop assistant would be required to work—despite the fact that I understand the major retailers are offering something like double time and a half—and no small retailer would be required to open. There are two very important protection measures there—no shop assistant would have to work in the 11 a.m. to 5 p.m. time slot on 28 December (as is appropriate) and no small retailer would have to open, so there is no compulsion in terms of who should open and who should work.

People ask what is wrong with an extended break. I have always taken the view that shopping should not be seen as a crime or a criminal act and, because this is an unusual situation and we will have tens of thousands of tourists here, which is but one aspect, we at least need to have some opportunity for people to shop in the city and Glenelg during the Christmas-New Year period, including on the Proclamation Day.

Some people say, 'Well, tourists do not come here to buy a lounge suite,' and I accept that. But tourists do spend money and they spend a lot of money when they visit. To have the shops shut for four days at Christmas and then the shut-open-shut scenario the following weekend will create the impression that Adelaide is shut down, and it will do a lot of damage to South Australia in terms of image and perception. I believe that it will do a lot of damage to this state government because, when it comes closer to the time and people realise what is happening, there will be a view that South Australia is closed for business, and that is not good.

On reflection, when the act was changed—and I must accept some responsibility along with others for that—I did not foresee that this situation would occur. I must accept some responsibility that we have this predicament, but I am at least now trying to change the situation. Many people in families like to shop together. They also like to come into the city and to places such as Glenelg. They like to do a bit of shopping and have a coffee or a meal. That is great; that is part of life; that is one of the joys of being able to get out and about. Some people assume that Glenelg has a special exemption at the moment, but that is not the case.

The situation at Glenelg is that which applies to small stores and some specialty stores, such as hardware. We do need to change the act in order to bring about an opportunity for people to shop not only in the CBD but also at Glenelg, and I think that it is a reasonable compromise. If one looks at the situation, some people will say, 'Well, this is some evil plan.' People can shop and have been able to for a long time in places such as Victor Harbor and Port Augusta. If it is possible and acceptable there, why is it unacceptable in the metropolitan area?

Some people run out the argument, 'Look, we have a lot of small mini-marts, service stations and so on.' I point out that my electorate does not. True, my electorate does have

some service stations that have a limited range of milk, bread and goods like that. However, I do not have many mini-marts and facilities such as that in my electorate. When it comes to the situation, for example, of people going back to work on, say, the Wednesday (29 December), they are very limited in terms of buying fresh produce for lunches, picnicking and that sort of thing. That is something to be borne in mind. The other point is that, in terms of the shutdown over four days, there will be a considerable waste of produce.

It has been put to me by one of the supermarket chains (Coles) that it would be throwing out probably $400 000 worth of produce because, with a four-day shutdown, it is not possible to have deliveries right up until that holiday break and then have that produce still fresh and within the expiry date when the shops re-open on the following Wednesday. It has also been put to me—and it would be the same for Woolworths and others—that an enormous amount of fresh food will be thrown out. As I said at the start, South Australia is the only state that has this extreme situation.

I am not saying that we have to be the same as New South Wales and Sydney in all respects, but Sydney has shopping on Boxing Day (26 December). I am not arguing for that. I am saying that, out of that four day current closure period, we should allow people, on a very limited basis (between 11 a.m. and 5 p.m.), to undertake general shopping in the city and Glenelg. It is not, as the minister argued in an article in the *Sunday Mail* recently, an attempt at full deregulation. It is not full deregulation. It is not even a wedge in the door. It is a toothpick in the door. It does not open everything up for full deregulation. As I said, this is an unusual situation—a one in seven year occurrence.

I am not pushing for total deregulation or even significant deregulation. This is a special situation which can be addressed by a special measure in a sensible, rational way. Sure, some small stores will do well over the shutdown period, and good luck to them. That is fine. Incidentally, many service stations are controlled by multinationals, and even the chain which calls itself Independent is under the aegis of a South African multinational. Despite what many people think when they shop there, it is a multinational organisation, even though it supplies most of those service stations and some of the smaller so-called Independent Grocers. It is actually part of a South African multinational distribution network.

Ultimately, the essential point is one of freedom. It should not be a crime to shop. It should not be a crime to open or shut your shop when you want to, or not shop when you do not want to. I am trying to get a reasonable compromise. I am aware that the member for Morialta has been raising this issue also. I am not trying to make life difficult for any particular group in the community. I value what shop assistants do; I value what small business does. No-one has to work, no-one has to open, as I have indicated before.

On a more general point, I heard the member for Goyder earlier talking about the effect of changes to Adelaide Cup day and what that could mean for the Cornish festival (Kernewek Lowender). I do not know whether that is the correct pronunciation, but it is probably near enough. I think it is time that the government in this state had a systematic look at our holiday arrangements. We have some unusual aspects to our holidays at the moment, including what is happening in relation to the Christmas-New Year period. We have holidays on days which do not actually relate to the particular event or circumstance they are supposed to be celebrating. The Queen's birthday is not on the day that we call the Queen's Birthday holiday. It is an unusual concept to celebrate an occasion at a time which has no direct relationship to what we are celebrating.

Without being flippant, I suggest that members might try not celebrating their wedding anniversary with their spouse on the day but on some other day during the year. That would be a novel approach: that would go down really well with your wife or husband! Try it with your kids. Why not celebrate their birthdays on a day other than the day they were born? That would be great fun! We have that in South Australia at the moment: we have a crazy arrangement whereby we celebrate days which have little relationship to the timing of what we are supposedly celebrating.

I am not critical of what the government has done in relation to Adelaide Cup Day, but I think it would be better if it was done in the context of systemically looking at all the public holidays. For some of them (certainly not the especially sacred days) it may be better to allow people to take them as part of annual leave, which would have less impact on the productivity of this state than the current straitjacket arrangement where, like lemmings, we all race over the cliff on a particular day to celebrate something that did not happen on that day.

So, getting back to the specifics of this issue, as I say, it arises because of an unusual set of circumstances—a decision made last year in relation to changing shop trading hours. I do not think members here foresaw the consequence, but out of the 10 days of the Christmas-New Year period Adelaide will, in effect, be surrounded and covered by cobwebs—out of commission, out of bounds. It will be sleepy old Adelaide, with jokes about 6 o'clock closing. I know what will happen: the tourists who come here might say, 'Next time we will go visiting somewhere where there is a bit of activity in the city, at least on part of the Christmas-New Year period.'

So, I appeal to members to look at this rationally. I believe it is a fair and reasonable compromise. When I explain it, I think people in the community can see the sense of it. I hope the shop union and Don Farrell, on reflection, can see the merit in this, and I appeal to the retailers' association also to look at the matter on its merits, including the state retailers' association and those who represent small business.

Dr McFETRIDGE secured the adjournment of the debate.

EDUCATION (COMPULSORY EDUCATION) AMENDMENT BILL

Ms CHAPMAN (Bragg) obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

Ms CHAPMAN: I move:

That this bill be now read a second time.

Again, in the interests of serving my colleagues in this parliament, I advise the house that I have introduced this bill as a consequence of its having lapsed in the previous sitting and refer colleagues to my contribution recorded in *Hansard* on 25 February 2004, at which time I introduced this bill for the first time. For the reasons outlined therein, I request that the parliament consider supporting the bill favourably.

Dr McFETRIDGE secured the adjournment of the debate.

JOINT COMMITTEE ON A CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Mr RAU (Enfield) I move:

That the report of the joint committee be noted.

I have great pleasure in moving this motion and, in doing so, I express my appreciation to the colleagues from both this chamber and the other place who were involved in the process, which included the Hon. John Gazzola, the Hon. Robert Lawson, the Hon. Nick Xenophon, the member for Bragg and the Chairman of Committees. All of the members participated in a very fulsome and cooperative way in this very important task and provided, I believe, to the parliament a very useful document.

In short, this document contains, first, a summary of the present rules and regulations which deal with members of parliament and about which members of parliament need to have some concern; and it also produces for the first time in South Australia a statement of principles, as opposed to a code of conduct, because the members of the committee were of the view that a statement of principles was a more appropriate way of summarising the effect of our deliberations.

I commend that statement of principles, which forms appendix B to the report, to all members of the house, and I hope they read it with interest. It was observed by members of the committee that it would be a useful thing if that statement of principles was widely distributed, and I think it would be useful if it appeared on the parliamentary web site, as indeed I believe the report itself should be broadly available in the community so as to better assist members of the public in understanding the range and diversity of the roles and responsibilities of members of parliament and the various mechanisms by which they are held accountable to the public.

Overlying all the statutory matters to which members of parliament must have regard, there is, of course, the ultimate sanction called an election. Each and every one of us know that, if our performance falls below the expectation of the public, there is always the four-yearly opportunity to say, 'No, thank you, we don't desire your presence any further.' That places us and some members of the community in a slightly different position, but one which is not unreasonable, having regard to the responsibilities of our office.

The second recommendation coming from the report was that the statement of principles be adopted by way of resolution of each house of parliament. I believe that this house, in due course, will consider that matter. The third recommendation was that members of parliament, upon re-election, or election for the first time, within 14 days of taking and subscribing to the oath, sign an acknowledgment in the form of appendix C to the report to the effect that they have accepted and understood the statement of principles.

The fourth recommendation was that this house give consideration to the adoption of a similar procedure to that which presently applies to the Legislative Council to enable a citizen's right of reply, and no doubt that will be considered in due course by this chamber. The fifth recommendation was that the statement of principles be incorporated into an education program for newly elected members, which I think is very important. Sixthly, as I have mentioned before, it is recommended that it be widely publicised and distributed to the public. I believe, if this is not too immodest, that this is an excellent report which would be read with interest by all members.

The one matter of criticism which has been drawn to my attention, and for which I apologise on behalf of all members of the committee, is that, thorough and interesting though this report is, it makes one significant omission, namely, that, in the explanations provided on pages 5, 6 and 7 as to the various offices and responsibilities occupied by members of either this or the other house, no mention is given of the very important role played by the parliamentary secretaries. This is a lamentable absence, but it is not one that was intended as a slight or in any way to offend or diminish the significant role performed by parliamentary secretaries. Those parliamentary secretaries need to know that they are receiving, by virtue of my remarks today, a special thank you that other members of the parliament do not receive. I hope that they find that some small comfort and some modest compensation for the fact that they are not specifically mentioned in the body of the report. Save for that exception—

Members interjecting:

Mr RAU: And I should say that shadow parliamentary secretaries have also been omitted, and the member for Hartley, for example, would feel slighted by that—and I do not want that to be the case. With that single omission, I believe that this is a fulsome and comprehensive report. It is one which I would urge all members to read, consider and disseminate widely, and I have great pleasure in commending it to the house.

Dr McFETRIDGE (Morphett): I was more than delighted to receive a copy of the Code of Conduct for Members of Parliament. Having entered this parallel universe of parliament, I am continually amazed at the sights I see. I see intense conflict in this place one moment, and then I see members of parliament the best of buddies the next. It just amazes me; it does not compute. As recently as last week, I had a minister yelling obscenities down the telephone at me, trying to get me to change my attitude on an issue I had raised. I was quite rightly miffed at that. I did not change my attitude, despite this particular minister yelling and screaming obscenities down the telephone at me. I also had a member of the government tell me that I should be aware of some dirty tricks the government was going to play on me. On page 9 of the code of conduct, the following appears:

Dealing with ministers and public servants. Members of parliament should act with civility in their dealings with the public, ministers and other members of parliament and the Public Service.

Members of parliament in this place should look at that and note the wording 'other members of parliament'. I certainly try to deal with all members in this place with civility and honesty.

Mr RAU: I rise on a point of order, Mr Speaker. The honourable member is referring to a period in time prior to the publication of this august report. Naturally, the educational impact of the report had not been fully absorbed, and I think that needs to be accepted by the honourable member.

Dr McFETRIDGE: I take the member for Enfield's point. I suppose it is like drinking chamomile tea: it will change you overnight. I am standing in this place to support this code of conduct, because I have witnessed and been the subject of some dealings that would not fit into this code of conduct. I hope that, as an educational tool, this code of conduct does what it says, that is, encourage members of parliament to treat people with civility in this place.

I do not have any skeletons in the closet; I do not have any secrets. That lot over on the other side can dig as deeply as they want. If they want to bring up things, that is fine, because I do not have any secrets. I am more than happy to stand up in this place and say that I am more than happy to abide by this code of conduct. I thank the members of the committee for the excellent job they have done, and I hope all members in this place read it and abide by it.

Mrs GERAGHTY secured the adjournment of the debate.

STATUTES AMENDMENT (MISUSE OF MOTOR VEHICLES) BILL

Adjourned debate on second reading.

(Continued from 13 October. Page 388.)

Mr MEIER (Goyder): Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. M.J. ATKINSON (Attorney-General): Before contributing to this important private member's bill, I want to acknowledge the work on legislating against hoon driving that has been done by the Liberal Party and, in particular, the member for Mawson, because it was during the last state election campaign that the member for Mawson, and the then Premier, advocated this kind of law—not this precise law but a law very much like it—and I drew comfort from the Liberal Party's support for this, and I thank them for it.

I welcome the bill as a sensible way to punish and deter hoon driving. Taking some of the best features of the Queensland hoon driving laws, it sets up a much simpler and fairer process for vehicle impounding. The bill creates two new hoon driving offences. One covers the kinds of things that hoon drivers do: squealing tyres; making loud engine noises; churning up median strips and traffic islands; drag racing; or promoting or organising events involving these things.

The other offence is of failing or refusing to obey police directions to turn down excessively loud amplified sound from a vehicle—an offence that may be committed by a driver or a passenger. Associated with this offence are police powers to stop vehicles and give directions, and ancillary offences for failing or refusing to give one's name and address, or giving a false name and address.

Convicted hoon drivers will be fined up to $1 250, disqualified from driving for up to six months, and made to pay for any incidental damage to, or destruction of, parks or gardens, median strips or road verges. People who offend by breaching a police direction about excessive amplified noise within six months of the direction face a fine of up to $1 250 or up to six months imprisonment.

However, the most telling punishment for this kind of behaviour is the confiscation of the vehicle used to commit the offence by police, or the court, or both. The bill allows police to impound a vehicle for up to 48 hours if they think it was used to commit an impounding offence. An impounding offence is one of the new offences created by the bill (a misuse of a motor vehicle offence or an offence of not complying with a police direction to abate excessive amplified noise) or any other prescribed offence 'that is committed in a way that involves the misuse of a motor vehicle'.

These other prescribed offences are existing offences: of driving dangerously or recklessly; of driving dangerously or recklessly so as to cause death or injury; of driving under the influence of alcohol; or, of driving with more than the prescribed concentration of alcohol in the blood. It is the misuse component that makes a prescribed offence an impounding offence.

An example may show how this works. Police see two souped-up cars roaring down Anzac Highway, swerving across the lanes of traffic. They manage to catch only one of the drivers, whom they report for dangerous and reckless driving. This is a prescribed offence. Police cannot impound the vehicle used to commit that prescribed offence unless the offending driving also involved: sustained wheel spin; or excessive engine or tyre noise; or participation in a drag race; or speed trial; or vehicle pursuit; or competitive trial of drivers' skills or vehicles; or the breaking up of the ground surface on the median strip. In this example, police saw some kind of competition between the drivers. They also heard loud engine noise from both cars that they believed was likely to disturb people living nearby. This means that they can impound the car, even if they intend to charge the driver only with dangerous driving.

Usually, the driver will own the vehicle impounded by police but, when an impounded vehicle belongs to someone else or has more than one owner, including the driver, the bill requires police to take all reasonable steps to notify its registered owners of the impoundment, of the reasons for it and how it can be released.

These provisions will not affect owners of stolen vehicles, and the regulations can also exempt vehicles under holiday rental, so the owner can get the vehicle back immediately. Otherwise, it stays impounded for up to 48 hours, whether or not it is owned by the driver. This will send a strong message to owners to think carefully before letting people drive their car. Between its release from the 48 hours' impounding and the determination of the charge, the vehicle may not be sold, and police must notify its owners of this. This is so that it is available to be impounded or forfeited by the court upon conviction. A person committing the offence of selling a vehicle that is subject to a notice may not only be fined or imprisoned but may also be required to pay an amount equivalent to the value of the vehicle into the Victims of Crime Fund.

No fees are payable when police release an impounded vehicle. The driver must pay the fees when convicted of the impounding offence. If the driver is not convicted, police bear the cost of the impounding. Taken with the requirement for police, before impounding the vehicle, to tell the driver that they intend to report or have reported him or her for an impounding offence or to charge or to arrest the driver for it, this stops vehicles being impounded unjustifiably.

Police can also apply to have a vehicle used to commit an impounding offence impounded or forfeited by the court when the driver is convicted of that offence if he or she has previous convictions for prescribed offences in the preceding five years. In contrast to police impounding, it does not matter to the court whether the previous prescribed offences (other than the one for which the court has convicted the driver this time) involved the misuse of the motor vehicle. If someone other than the driver owns the car, the court can decide not to impound or forfeit it if satisfied that it was used to commit the impounding offence without the owner's knowledge or consent or that it had been sold to a genuine purchaser who had no reason to suspect that the vehicle was the subject of these proceedings.

Another reason for not impounding or forfeiting a vehicle is that it would cause severe physical or financial hardship to

a person. People who might suffer such hardship are to be given notice of the application so that they can put their arguments to the court. If the hardship is to the offender, the court may require him or her to perform community service instead of impounding the vehicle.

This bill will deter people from hoon driving and make them think twice before lending their car to irresponsible drivers. It will not and cannot help to catch that driver. It is still up to the public to report incidents of hoon driving to police and up to the police to respond quickly to reports or sightings of hoon driving. I congratulate the member for Fisher on his bill and for his cooperation with the government during its development. I also a single out the members for Playford and Napier, whose lobbying and sound advice have kept hoon driving law reform at the top of the agenda. I commend the bill to members.

Mr BROKENSHIRE (Mawson): I will be reasonably brief on this issue, because I am already on the public record as saying that we needed to do something positive to address hoon driving. I thank the Attorney-General for his remarks, when he said that it was the Liberal Party that, at the last election, came up with the initiative and the policy at least to crack down on, or preferably to stamp out, this behaviour. Whilst the Labor Party has been very slow in coming to the point we have arrived at today, where we will see this legislation advance, the one person who was not slow and who said that it was a very good policy was the Attorney-General, and I give him credit for supporting us. I also acknowledge the member for Fisher, who also recognised this initiative. We now have total bipartisanship for the principle that something has to be done to address this issue.

I foreshadow that a few changes may be put forward when this bill goes to the other place but, to all intents and purposes, we support this bill. Given what I have just said, it is sad that it has taken 2½ years to get to this stage, as we could have given many people much more peace and tranquillity in their neighbourhood than they have experienced over that time. In fact, I believe that the incidence of hoon driving has increased. When I was police minister and introduced this initiative, which, as I said, was approved in every way by all my parliamentary colleagues, I attended the Australian Police Ministers Council meeting in Sydney. I was being driven by a young police officer, and we talked about driving behaviour. He told me about legislation that had just been passed in New South Wales, where the media made big, in print and in the electronic media, of the first one or two times that police apprehended a hoon driver and impounded the vehicle. It sent a message to those people about doing burnouts, disturbing the peace and damaging road verges.

It is totally unacceptable that people who care for their gardens and go to the extreme energy levels of growing lovely lawns, flowers and shrubs to the kerb should wake up in the morning to find that some hoon has driven all over them at night, done burnouts and ruined their garden. In a council situation, they deliberately drive straight over roundabouts and damage them, as I have seen in my own electorate. The worst case scenario I know of involved a cricket club which used a primary school oval. They worked very hard to raise the money for a coconut mat or a synthetic mat, and one night before a cricket match hoons went on to the oval, did burnouts all over it and ripped up the mat.

One of the things that I am pleased to see in this bill, as we intended would happen, is that these hoons will have to pay for the damage they cause. Not only will they lose the use of their vehicle for a period of time and, if they become a subsequent repeat offender, eventually lose that vehicle—and I would be surprised if that happens because I think the lesson will be learnt after they make the mistake once—but also they will have to make compensation to the individuals or councils affected. Also, as I understand it—and I will be checking with the Attorney-General on this—they will have to pay compensation for damage to state property.

One clause deals with excessive noise levels. Motorbikes in particular are very concerning for a lot of residents in metropolitan areas, and even people in the country. Sound travels a long way in the country and, when I am home on my farm at three, four or five o'clock in the morning and I hear motorbikes flying down the Victor Harbor Road, the noise is unbelievable; so I can imagine what it must be like when they get into the back street of a nice, generally quiet suburb. I hope that the message will get through very fast that the parliament—the Liberal Party, the Labor Party and the Independents, like the member for Fisher—is making a serious attempt, albeit later than I would have liked, to address this matter. As I said earlier, because the Attorney-General is now able to hear me, I want to make sure that they will have to compensate for any damage to state government property as well as council and private property. If that is not the case, we will finetune that amendment in another place, namely, the Legislative Council.

I cannot recall many matters that concern the general community more than serious misuse of motor vehicles. It is something that is constantly before me through genuine complaints of my own constituents and when I move further afield as shadow police minister. It is happening in pretty well all areas. In Port Pirie, for example, near the silos there is access into a back road that runs over a bridge to the back of the smelters, and that has become a place where hoons go all the time to do burnouts.

One other amazing thing happened in my own electorate. Fortunately, the local police officer caught people pouring oil onto the main road in the middle of the night to assist them to do further burnouts. Not only are they damaging the peace and tranquillity that the community should be able to enjoy but also they are creating serious road safety problems when they then go off and leave oil on the road. Someone comes around the corner and that is what they encounter.

Another point is that people care for their properties. They work hard all their lives to buy a home, and I know that the value of properties is affected by this behaviour. If the first thing a prospective home buyer sees in a street is rubber everywhere, that sends the wrong message. I trust that, as a result of this legislation, we will be able to clean up this issue as much as possible. This probably will be one of the most significant pieces of legislation put before parliament to address a matter of serious community annoyance. I support the legislation and I look forward to its rapid progress through the parliament.

Ms CICCARELLO (Norwood): I support the bill. Members in this place often say that they do not think that we have problems in the so-called leafy suburbs on the eastern side of town, but the issue of hoon driving has caused great problems within my electorate. The Parade, Norwood, is a prime example of where young people put themselves and other people in danger. Because The Parade is very wide, drag racing occurs constantly, particularly on Thursday, Friday and Saturday nights when there are a lot of people around. Not only do young people indulge in drag racing at

very high speeds but also, while they are doing so, they throw eggs and other projectiles out the window, putting people walking or dining on The Parade at great risk.

We have also had enormous problems in some of the reserves near the linear park. There is plenty of open space down there and at night young people are constantly driving on the reserves and ovals, causing great cost and distress to the community. We also have areas like Osmond Terrace, which has a wonderful median strip down the centre. Again, these young hoon drivers constantly cross over the median strip at night, putting themselves and other people at risk.

The bill has been a long time coming, but it is great to see that it has now come into this place, and I commend the member for Fisher for bringing it forward. It has been in discussion with the Attorney for some time. I also commend members of the opposition who support this. I commend the bill to the house.

Mr HAMILTON-SMITH (Waite): I indicate I will be supporting the bill, which I welcome with some alacrity. My electorate of Waite (which is most of Mitcham council district) will welcome this measure. We have significant problems within my constituency, particularly in the McElligotts quarry area, Carrick Hill Drive and also up the South-Eastern Freeway towards Eagle on the Hill. We have had very significant problems at Windy Point Lookout but also problems simply through the streets of Mitcham, particularly at night.

The offenders are usually active after midnight in the very early hours of the morning. It is a source of considerable pain and inconvenience to constituents of all ages: not just the elderly but also young families, and to be fair even other young people who are offended by that behaviour. It is important for the house to note this is not a measure against young people; this is a measure against a minority of people who choose to abuse the community by misusing their vehicle—as an affront to others.

Some concern has been expressed during discussions I have had about this measure from parties who feel that this legislation might be used by the police, if you like, to hound young drivers and to pick on young people as they go about their business in their vehicle. I am less concerned about that. I trust the police to use their good judgment. There will always be the potential for the police to step over the mark and to pick on somebody, but generally our police serve us well and I think incidents of that are minimal.

Not only that, to be perfectly frank, I do not think it hurts for the police to be pulling some young drivers over—particularly when you look at some of the vehicles that they are driving, which frankly I would question as to their roadworthiness—simply to remind those young drivers that they are out there, that the police are watching, that the police are vigilant, and that hoon driving and the abuse of vehicles will not be tolerated by anyone within the community. I am less concerned that young drivers will be picked on as a consequence of this measure. I think it is generally fair.

I flag to the proposer of the bill and to the Attorney-General that I would like to go briefly into committee because I have a couple of questions I would like to ask about some technical issues as to how the impounding of vehicle and sale of vehicle measures will apply—but only one or two questions. I am comfortable with the provisions in the bill to initially impound the vehicle for 48 hours but then to go to a more punitive regime on a second and third offence. That is a logical way to crank the penalty regime up. There are repeat offenders out there. If you get caught doing this sort of thing—laying rubber, screeching around the streets, having your sound system up too loud purely to inconvenience others—if you are a recidivist in regard to these offences, then frankly you deserve to lose your motor vehicle.

I take the point raised by others that there are measures in the bill to protect the unsuspecting—for example, the parent who may lend their vehicle to the child and then subsequently find both the child and the vehicle turn up at the front door in the company of police officers—and that there is some measure in place to ensure that in those circumstances the vehicle, having not been owned by the offending driver, will not necessarily be so impounded and subsequently sold. There are some measures there to protect the unsuspecting.

However, I say to parents: if you lend the car to your child, if they are doing this sort of thing, if they are acting in this way and you do not know about it, there is a problem. Similarly, if you do know about it and you have done nothing about it, there is a problem. I might ask in committee how the proponent of the bill, the member for Fisher, would deal with cases where a second or third party consistently lends their vehicle to an offending driver who then falls foul of the more punitive sanctions within the bill. I will be sending this debate and announcing this measure widely within my electorate. As my colleague the member for Mawson has mentioned, people are sick and tired of this sort of behaviour. I commend the bill to the house and I look forward to its rapid passage.

Ms RANKINE (Wright): I will also be supporting this bill and I commend the member for Fisher for this initiative. It is a positive step. We already have many laws in place that govern the way we drive on our roads. This government has had a real focus on road safety. That is the focus of our laws. We continue to be very proactive in that regard. We recognise that how we manage a vehicle when we get behind the wheel is a life and death issue. We know all too sadly that those most at risk, those involved in the greatest number of accidents, are young people—and in the main young men. As the mother of sons, I understand the concern of many parents as young men for the first time get behind the wheel with their P-plates on and disappear down your driveway. Your heart remains in your mouth until such time as they return.

As a government we are endeavouring to deal with those issues in a very serious way. Whilst some people might not like it very much, these measures will help to reduce senseless carnage on our roads and will help to save their lives. Young people are energetic and enthusiastic, and that is great. But it is not great when, as I said, they get behind the wheel of the motor vehicle.

This legislation is designed to send those inclined not to show the appropriate respect for themselves and their families and their communities a very strong message: inappropriate behaviour when driving a car will not be tolerated. In some instances I think their behaviour has been very much one of attention seeking, seeking the attention of their peers, and to some degree thumbing their noses at those they see in authority.

The attention they will get with the passing of this legislation will be the loss of their vehicle. They will very quickly become pedestrians. They need to understand the real distress they cause in many instances, particularly to older people, when they hear cars ripping around their streets, squealing their brakes, doing rubberies and burning tyres. Older people became fearful, too frightened to go outside and become frightened of younger people generally.

There have been instances in my electorate where people have got onto reserves and caused enormous destruction of community facilities—facilities which cost residents a lot of money to maintain through their council rates and which a lot of people enjoy—and it really is basic silliness. It is also a silly waste of money when young people are ripping up and down the roads burning their tyres. I have to say that I resent very much when I have to buy new tyres for my car. There are lots of great things you can spend that amount of money on that are quite noticeable, so why one would want to do that with very expensive equipment on their cars I do not know.

We do not want to impound the vehicles of young people. This is about sending a very strong message that, if they continue to behave inappropriately, they will suffer this consequence. It is a very positive move and one that I think will be welcomed generally out in the community. Certainly, the Neighbourhood Watch groups in my electorate have been trying through negotiation with local councils to deal with this issue over a long period of time and they are looking forward to the passing of this legislation. Again I commend the member for Fisher for bringing the matter to the house.

The Hon. W.A. MATTHEW (Bright): I rise to strongly support this bill. It is worth observing that it is pleasant, after some of the feisty debate that has occurred this week, to be speaking to a bill that is receiving such bipartisan support. In doing so, I commend all who have been involved with this bill coming before this place. The member for Fisher introduced the bill on this occasion (I believe it is second occasion on which he has introduced a bill of this nature), and I hope on this occasion the house will afford the time for the bill to pass.

My colleague the member for Mawson, as former police minister, championed this issue in his previous role as police minister and certainly announced the Liberal government's intention to have such legislation introduced into the house. I was pleased to hear the Attorney-General's contribution in which he equally supported the passage of this bill.

This bill will be very well received in the community. Within my own electorate, being a seaside electorate, we have for years suffered a disproportionate share of the burden caused by hoon drivers because on a warm summer's night a lot of people are attracted to the coast. Through my electorate, from Brighton through to Seacliff, Marino and Hallett Cove, residents have been subjected to inappropriate hoon behaviour through inappropriate use of motor vehicles on warm summer nights for many years.

At a local government level I pay tribute particularly to the cities of Holdfast Bay and Marion, which have endeavoured through road traffic measures to overcome some of this behaviour. It has been a matter of trying to keep one step ahead of the idiots who misuse their vehicles in these locations.

The City of Holdfast Bay, with the best intent in the world, has put roundabouts and speed humps along the Esplanade from Brighton to Seacliff. Unfortunately, these have effectively become not simply obstacles but challenges for part of the road pursuit. We have had a problem for the past couple of years in the car park at Seacliff, which has been the starting point for road races between two vehicles at a time. They start off from the speed hump by the car park. They place the back wheels of the vehicle on the speed hump, often pour a little oil on the speed hump so that the car takes off, spins the wheels on the oil and a cloud of smoke results. The vehicles then speed along the Esplanade, come to a roundabout where one will go left and one right as they move around the roundabout and keep going up to the next one, which becomes the finishing line of the race. Understandably, the residents of the Esplanade have been most displeased by this behaviour.

The local Sturt police have been absolutely fabulous in their endeavours to police it, and by hook or by crook they have been using every means at their disposal to deal with the perpetrators. I am aware that where vehicles are not roadworthy they have been dealt with. Where the vehicle has parted to the right-hand side of the roundabout and driven on the wrong side of the road, the police have been able to deal with them, but at the end of the day they have not been able to deal with them where it hurts most, namely, by confiscating their vehicle.

This bill, through a regime of progressive penalty increases ultimately for third time offenders, provides for that to occur. I welcome that and I am confident that my constituents will be supportive of this measure, as will the Sturt police, because it will give them the opportunity to use the full force of the law in an appropriate manner.

Similarly, residents in Hallett Cove, along Cove Road and in the Hallett Cove headlands, have been subjected to hoon behaviour and driving, spinning of wheels and races through the suburbs. I see this as a very positive measure. It will certainly be welcomed by my constituents, and I am pleased to support its passage through the house.

The Hon. I.F. EVANS (Davenport): I rise to support this bill, but want to raise some issues of which we need to be aware in voting for the bill. I do have some concerns about the usefulness of the misuse of motor vehicle provisions that this bill seeks to insert into the act, because the provisions rely on a reporting mechanism to be enforced. Where the bill says that there is an offence if you drive a motor vehicle onto an area of park or garden (whether public or private) so as to break the ground surface or cause damage relies upon someone reporting it before it becomes an effective deterrent mechanism. It is my understanding that if someone was undertaking that action today, without the bill being passed, that would be damage to public or private property and that can be a charge by the police, anyway.

Once a member of the public or the police are aware of it, I would think that, under the current law, that could easily be reported. That argument, I believe, applies to proposed section 44B(1)(a), (b), (c) and (d). Those four provisions are currently covered by other sections of the law, and all of them rely on someone reporting the offence for the police to act. If someone saw someone doing a sustained wheel spin now they could report that to the police and, probably, there would be a charge of disturbing the police, or something like that. Perhaps the penalties here are different; I have not checked that.

I am supporting the bill, but I do make the observation that the success of the bill will depend purely on the capacity of the police to be in the right spot at the right time. If the police were in the right spot at the right time there would not be a wheel spin, anyway. I suspect that the kid driving the car would be smart enough not to do a wheel spin when the police were there watching him or her. I suspect that they would be smart enough not to drive onto a public or private garden and cause damage if the police were watching, etc.

While I support the bill, make no mistake about that, let the record show that I do have some concerns about how effective it will be versus what is already in place. The other

point I want to make relates to the issue raised in the bill about the insertion of new section 54, which is the loud music provision. It will now be an offence for people to play loud music in their car if it annoys someone else. This is an interesting provision. I note that the fine will be $1 250 for each offence. Essentially, the test will be that if a person in the vicinity of noise is disturbed by the noise then, in effect, it is taken to be offensive noise.

If that is the standard the parliament is adopting in relation to noise (and it appears that it will be, at least through this house), I ask the government (which, I understand, is supporting this piece of legislation), why it is not doing that in relation to train noise. The Attorney sighs, but it just seems to me—

The Hon. M.J. Atkinson: Careful, there might have to be a personal explanation.

The Hon. I.F. EVANS: No, there will not be a personal explanation. I would not raise such a matter. It just seems to me that—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: No, you raised it. I sighed and you raised it, so I gave a personal explanation. It seems to me that, with respect to this legislation, the occurrence of someone using excessive noise in their car, that is, the hi-fi system—

The Hon. M.J. Atkinson: If we confiscate a locomotive, where would we put it?

The Hon. I.F. EVANS: No, that is not the point. I do not think that, under this bill, they can confiscate for excessive hi-fi noise. I think it is only a fine, but I might be wrong on that. That is the way I read the bill. It is only the other matters—wheel spin, damage to public garden, a race between vehicles—that attract the impoundment of the vehicle. I think that, as far as noise is concerned, it might only be a fine, but I could be wrong about that. It seems to me that the people in my electorate are living with a situation with which the government is aware, that is, that the train noise is above the New South Wales health guidelines of 85 decibels.

It is a regular occurrence, it is a daily occurrence and, apparently, no offence is committed. However, if a youth drives past the same area with their stereo playing, the youth can suffer a fine of $1 250. It just seems to me an inconsistency. If the government believes that excessive noise from a motor vehicle, that is, the hi-fi playing, is of such import that it attracts a $1 250 maximum fine—

The Hon. M.J. Atkinson: Do you want this to go through or not?

The Hon. I.F. EVANS: Yes; I am just making the point. It seems to me that a similar provision, a fine (not an impoundment), could be imposed on those operators of the train that consistently breach the New South Wales health guidelines for industrial noise, which is 85 decibels. South Australia does not have a guideline. The best guideline that we are aware of is the New South Wales guideline. The train noise is above that guideline, but they do not get fined. I support the legislation. I have some concerns about the impact of the legislation, the effectiveness of it, on the ground, but I am happy for it to go through.

On behalf of my electorate, I mention the train noise issue because it seems an inconsistency that a lad or lass playing music that is a little loud can get a fine of up to $1 250 for a one-off offence, but a train company that creates noise—way above what this noise would be—on a daily basis, year in and year out, does not get a fine.

The Hon. R.B. SUCH (Fisher): I thank members for their contributions and indicated support for this bill. Many members have made the point that this is a big issue in the community, and I can attest to that. The community will rejoice when, hopefully, this measure gets through parliament in the not too distant future.

A couple of points have been raised, and I know the member for Mitchell has an issue that he wants addressed in committee in regard to safeguarding, and I guess fairness, in terms of an impounding situation where someone might be inconvenienced in terms of income earning where they are an innocent party. It is an important point and we can deal with that in committee.

Some members have raised the question of how it can be policed. The point I made in my second reading speech was that Queensland has not had any problem during about 12 months in nabbing over 1 000 offenders. It has worked brilliantly there, and I am sure that the police in South Australia are just as competent as those in Queensland. But, as I have always argued, if we also had the New Zealand community road watch model with a pro forma via the internet or fax, with appropriate safeguards, the public can report to police. It is a version of Crime Stoppers, in a way. They can report misuse of motor vehicles—good behaviour as well as bad behaviour. If you have that model, you give the whole community the eyes and ears to help the police. I am sure the police can do this job, but it would be even more effective if we had the New Zealand model of community road watch, which is very effective, inexpensive and has appropriate safeguards. People can report offending drivers as well as report good behaviour. I think that is something we could do.

I do not want to delay this house. I want to get this measure in place and under way. I thank the Attorney for his generosity in accommodating and being supportive of this bill; the member for Mawson, as the shadow spokesperson; and other members (I know the members for Playford and Napier have also contributed strongly to this measure). I commend this measure to members and ask that they support its speedy passage through the house.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr HANNA: The member for Fisher seeks to create a new series of offences relating to careless or dangerous driving, and we are dealing with an amendment which creates a definition of misusing a motor vehicle. That provides the trigger for the impounding of the motor vehicle. My question to the member for Fisher is in relation to the genesis of this bill. What information can the member provide to the committee in relation to the Queensland experience, particularly in relation to claims that vehicles have been wrongly impounded by police?

The Hon. R.B. SUCH: The experience in Queensland, as I indicated earlier, is that this has been very successful. Since its introduction in November 2002, the figures in terms of infringement under the 48 hour provision were something like, for the 12 months (and these are not exact figures but approximations), 1 100, I think it was. For those who offended the second time, it was something in the order of three or four; and, from recollection, I do not believe anyone was silly enough to offend a third time.

On the specific issue of whether or not there are any problems in impounding, on the information I have received

from Queensland I do not believe there have been any problems, and the officers tell me they do not have any such information, either. I would not want to mislead the member and suggest there have never been any hiccups, but all the information which has been provided to my office and which we have researched in relation to Queensland is that there has not been a problem in terms of the impounding provisions. I am sure the people who had their vehicle impounded (the offenders) were not happy, but the community certainly has been happy. I am not aware of any instances where the powers have been misused by police or used inappropriately.

Clause passed.

Clause 6.

Mr HANNA: Clause 6 refers to excessive noise being emitted from a vehicle and creates an offence for that. It also provides a trigger for the impounding of a vehicle, in conjunction with other offences. Can the member for Fisher advise how police officers are to assess whether or not the noise emitted from a vehicle is excessive?

The Hon. R.B. SUCH: The trigger is that in any proceedings for an offence against this section, where it is alleged that the excessive noise was emitted from a vehicle, evidence by a police officer that he or she formed the opinion, based on his or her own senses, that the noise emitted from a vehicle was such as was likely to unreasonably disturb persons in the vicinity of the vehicle constitutes proof, in the absence of proof to the contrary, that the noise was excessive. You are relying on the judgment of the police officer not to be over-zealous or unreasonable. Technology is becoming more readily available in terms of measuring precisely noise levels.

Most people would appreciate that the judgment ultimately comes down to what is reasonable. As I understand it, it is somewhat similar to the judgment police would make in terms of what is alleged to be a noisy party occurring at 2 a.m., or something like that. There has to be an element of subjectivity in it. If over time, or through the whole process, it became obvious that the police were abusing it, obviously that would have to be remedied in some way. I do not see the notion of forming a reasonable opinion is out of step.

Mr HANNA: Does the member expect that loud rap or hip-hop music is more likely to lead to police forming opinions about excessive noise than opera music, for example?

The Hon. R.B. SUCH: In my limited knowledge of music, I suspect that the people who might offend in this regard are more likely to be playing rap-type music than Beethoven. However, there are all types of music. I have never understood my son's love of techno music. The reality is that it will be whatever is the current popular music of the day played at a high level. However, the bill does not discriminate. If someone is playing an overture and there is cannon fire in it and it is amplified, that could offend as well. However, the reality is that it is more likely to be rap or techno-type music than the Mormon Tabernacle Choir.

Clause passed.

Clause 7.

Mr HANNA: This clause allows for the impounding of motor vehicles under the direction of police if they reasonably believe that a motor vehicle has been the subject of an impounding offence. Why has the member chosen to give that power to impound vehicles on the spot to the police, rather than provide a penalty for those who commit such offences to be assessed in a court of law and be the subject of a court order for impounding in the event of conviction?

The Hon. R.B. SUCH: The simple answer is that you want a system that is relatively simple and does not tie everyone down in a legalistic court process. I know the member's background and his strong commitment to social justice and those principles, but the reality is that the simpler the system in the way it operates the more likely it is to be effective. As I have said, it is based on a highly successful model in Queensland. Rather than a long drawn out process, where it gets highly legalistic, people offending know they have done something wrong and they cop the penalty. If you have a drawn out mechanism where it goes to court and appeals and all those sort of thing, you defeat the whole purpose of something that is simple, workable and effective.

Mr HANNA: Does the member for Fisher object to offences being taken to court and, as he has said, appeals and that sort of thing because of the risk of accused people being found not guilty of the offence?

The Hon. R.B. SUCH: Research evidence suggests that the sooner a matter is dealt with and the more immediate the consequence the better and more effective the law will be. Members would have heard the old saying, 'Justice delayed, justice denied.' One of the problems is that we are often dealing with offending so far removed in time from the offence, particularly in the case of young people, many of them have forgotten—or have trouble remembering—what they did.

This is not especially targeting young people, but the reality is that the people who are more likely to offend under this legislation will be under the age of 30. I think that it is being realistic. You need a penalty and an enforcement which is short in terms of the time frame in dealing with the actual offence, rather than something that is dragged out. In my experience, most young people would sooner have something dealt with promptly than have it drag out for ever and a day, so that six months later or a year later they are trying to resolve an issue which happened a long time ago.

Mr HAMILTON-SMITH: Subclause (2) relates to the offences that might result in impounding—whether or not villains that might perpetrate these offences could get out of the situation by swapping vehicles. For example, if there are two drivers that want to go out in their two respective vehicles, by simply swapping vehicles they no longer own the vehicle. I am concerned about this being a way of escaping the impounding provisions on the third offence: that these people might simply say, 'I will get out of my own vehicle and use somebody else's.' I wonder if the bill in any way picks up this possibility.

The Hon. R.B. SUCH: I believe it does. Are you suggesting that it might be their vehicle but they will say that the other person was in mine?

Mr HAMILTON-SMITH: I see two possibilities: one is that the owner of the vehicle may not be the driver, they may be the passenger; and the other is that two people might swap vehicles. One might not own the vehicle. Obviously, if you own the vehicle the impounding provisions and, ultimately, the sale provisions kick in. If you do not own the vehicle there is a number of escapes, obviously to protect the owner of the vehicle. I wonder whether, if there is a deliberate intention to avoid prosecution by swapping vehicles, that is a way to get out of losing your vehicle.

The Hon. R.B. SUCH: In response to the member for Waite, proposed new section 66D(6) provides:

> A court that records a conviction for an impounding offence in relation to which this section applies may decline to make an order under subsection (2) if satisfied that:

(a) the making of the order would cause severe financial or physical hardship to a person; or

(b) the offence occurred without the knowledge or consent of any person who was an owner of the vehicle at the time of the offence.

In the case that the member alludes to, you would have collusion between those two people, so they could not argue that it was without their knowledge or consent, because it would have been if one was the passenger and suddenly became the driver. I should have thought that a court would deem that they were acting in cahoots with each other.

Mr HANNA: The grave concern I have about the bill is in respect of applying a penalty to citizens without proof of their guilt. That is a general principle which has been a hallmark of our law forever. What we have here is the seizure of a person's property on the basis of the reasonable belief of a police officer. I know that would happen currently with goods that are considered to be stolen, for example, but here we are talking about a very substantial asset which may indeed be essential to a person's livelihood. So, if a car is impounded under this legislation it could mean that the person is not able to work for at least the 48 hours for which the vehicle is initially impounded, and that is before it has gone to court; that is purely on the say so of a single police officer. The vehicle, of course, might be a truck; it might be a taxi; or it might be a hire car; so it might be the means by which a person earns their livelihood.

My preference, therefore, would be for the penalty to be imposed, if there is to be a new offence such as this, after consideration by a court and, if necessary, after a trial of the facts and proof beyond reasonable doubt that, in fact, some offence has been committed. However, the member for Fisher chooses to ignore centuries of presumption of innocence in our law. The Attorney-General concurs with that, and it is a sad day when it has come to this point where innocent people (and no doubt some of those whose vehicles are impounded in the future will be innocent at the time that the vehicle is impounded) are subject to the immediate seizure of assets by the state without recourse to the courts.

It is not going to be easy for me to persuade the government or the member for Fisher that it is inappropriate for there to be such summary seizure of a significant asset. However, I can at least bring an amendment to the committee to say that there should be compensation for a person whose vehicle is seized, if they are in fact innocent. If it is proved at the end of the day after trial in a court of law that no offence has been committed, I say that there should be compensation for the loss of the vehicle for that 48 hours, for that immediate seizure.

To make it quite clear, in the amendment that I am about to move, I am stipulating that the amount of compensation must be not less than $100 in respect of the inconvenience to the owner, and an additional amount in respect of any economic loss suffered by the owner. As I pointed out, if a taxi or a courier truck is seized by police, why should those drivers not receive compensation if they have not in fact committed any offence whatsoever? Why should an innocent person have their vehicle taken away from them for 48 hours on the say-so of a police officer without any compensation whatsoever, should the police officer be wrong and no offence having been committed? This is an issue of civil liberty and basic justice, and of upholding a principle that has been essential to our law for centuries, that is, that innocent people are not to be punished arbitrarily by the state and that, when people are accused of a crime, they should have the right to be tried in a court of law. I move:

Page 7, after line 28—Insert:

(7) Where a motor vehicle that was not the subject of an impounding offence has been impounded under this section, the Commissioner must, on releasing the motor vehicle, pay the owner of the motor vehicle:

(a) an amount prescribed by regulation (which must be not less than $100) in respect of inconvenience to the owner; and

(b) any amount demonstrated by the owner (to the satisfaction of the Commissioner) to be economic loss suffered by the owner as a result of the impoundment of the motor vehicle.

(8) An amount payable by the Commissioner under subsection (7) to a person is recoverable by that person as a debt.

We have a simple principle that, if a person is innocent, no offence is committed. The inconvenience suffered by them as a result of their vehicle being snatched from them should be the subject of compensation. It is a basic principle of fairness. I suggest that, as a minimum, $100 should be paid to the person in respect of the inconvenience suffered, plus an amount if there is actual economic loss and, of course, there may be if a person is on the way to the airport to and they lose their flight; if they are a taxi driver and cannot work for two days; or if are a truck driver and cannot work for two days. This is the least I can do to bring some protection of civil liberties into this bill.

Progress reported. Committee to sit again.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That standing orders be so far suspended as to enable the bill to pass through all stages without delay.

The ACTING SPEAKER (Mr Snelling): I have counted the house and, as an absolute majority of the whole number of the members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

Committee debate resumed.

The Hon. R.B. SUCH: I will respond to the member for Mitchell's concern. In effect, what the member for Mitchell's amendment would do is gut the bill because, if the police had hanging over their head the fact that they had to pay $100 for the inconvenience of some hoon losing their vehicle, I think it would render the purpose of the bill useless. In the first instance, they have to be caught in the act of hooning, and we should not underestimate the significance of hooning. It is not just the noise, it is also a very dangerous practice, and to have your vehicle taken away for 48 hours, having been caught in the act, is not a draconian penalty, in my view. It is a serious penalty but it is not over the top in terms of what the person has been caught doing. The message is fairly clear: if you do not do this sort of thing, if you do not drive through playgrounds, churn up ovals and spin your wheels down Anzac

Highway, you will not be in a situation where you will be caught. Clause 7, which inserts new section 66H, provides:

> This section does not protect an impounding authority [the police] from liability in respect of the seizure or impounding of a motor vehicle otherwise in good faith.

If the police act carelessly or recklessly, they are going to be liable. It also requires that the Crown is liable for any damage caused other than by the proper exercise of powers under that section of the act. If they act in an unreasonable way or damage the vehicle by exceeding their authority, they are liable. There is also the opportunity, I guess ultimately, of an ex gratia payment.

The experience in Queensland is that there has not been an abuse by the police there, and I do not suspect there would be here. You have to be caught doing this, so it is not a case where someone has a feeling that something happened. You have to be caught in the act of hooning, which is specified in the bill. I cannot agree to the member's amendment. I believe it will destroy the bill and take away the effectiveness of it, which is prompt response to improper, illegal behaviour, which is not only a nuisance but a danger to the community.

The Hon. G.M. GUNN: I support the amendment because one of the things that I have learnt in this place is that, when an ordinary citizen is confronted by the government or its agencies, they are at grave disadvantage. They have neither the resources nor the time, nor in many cases the financial ability, to defend themselves. I support the concept that, if people are hooning, terrorising the community, they should be dealt with firmly. I do not have any problem with that, but I am very cautious when we give arbitrary powers to people. If a mistake is made, the innocent party is entitled in a decent society to be compensated.

Mistakes will be made, that is human nature, and they are often made with the best will in the world. From my experience in this place, I have seen some terrible injustices perpetrated against ordinary people in the community, and I think that we must ensure that there are proper mechanisms to protect the innocent. Once a large bureaucracy, whatever section of government it is, decides to pursue an individual, they have unlimited resources, and the ability of that person to defend themselves is very limited. I do not think that is fair, just and reasonable, so I am going to support the amendment moved by the member for Mitchell.

The Hon. I.F. EVANS: I too, support the amendment moved by the member for Mitchell. I say to the member for Fisher that his arguments against the member for Mitchell's amendment are all the reasons why it will not hurt to vote for it. The member for Fisher says that there has never been an incident of misuse by the police in Queensland, there are provisions about police undertaking actions in good faith in the bill, and you have to be caught in the act to be found guilty of this matter and have the vehicle impounded. That really means that it will be highly unlikely that the measure moved by the member for Mitchell would come into play. However, on the odd occasions that the member for Stuart pointed out, it does provide a safety net for those people who are occasionally the unfortunate victim of an inadvertent mistake by the police.

Over the last two years I have managed to get four or five matters reimbursed or withdrawn by the police based on submissions written to the Police Commissioner about certain events which took place and which incurred a speeding fine or other penalty. That indicates that occasionally, on balance, the Police Commissioner would revisit a particular action by the police. It does not mean the police were vicious or vindictive; it just means under the circumstances there might have been some doubt as to the matter. I have no problems at all with the member for Mitchell's amendment. I think it is commonsense. It will rarely be used because of all the reasons outlined by the member for Fisher, but it should be used in the reasons outlined by the member for Stuart.

The Hon. R.B. SUCH: Mr Acting Chairman, some points to bear in mind is that if police do not act in accordance with the provisions of this bill they are, in effect, personally liable for any actions.

Members interjecting:

The Hon. R.B. SUCH: If they make a mistake in good faith there is no liability. But the point about the $100 compensation in the member for Mitchell's amendment is that it will not be paid by the police officer, it will be paid by the taxpayer. So the police officer is not going to care in that respect. The actual bill says this in proposed section 66B(2):

> A police officer may only exercise a power under subsection (1) if the person driving or operating the motor vehicle at the time of the offence—
>
> (a) is to be, or has been, reported for the relevant impounding offence and has been advised of that fact; or
>
> (b) has been charged with, or arrested in relation to, the relevant impounding offence.

This bill is full of safeguards. If you put in here this $100 compensation provision, I believe it undermines the fact that this is a measure which is simple in its operation. If the police do not act in good faith, they are not protected; and if they damage a vehicle, likewise they are acting out of kilter with this bill—they are not protected. So there is an onus on the police.

However, the person offending has to be caught doing it. It is hard to envisage police going out and just grabbing someone without actually catching someone in the act of offending. I do not believe that will occur. That would be acting outside the provision of the bill. They must act in good faith. So if they are acting outside the authority of the bill, then they would be subject to all of the disciplinary powers of the police force and, I guess, ultimately the Police Complaints Authority.

Mr BRINDAL: I listened to some of the debate on this issue and I am inclined to support the amendment, mainly because—

The Hon. M.J. Atkinson: Defeat the bill entirely.

Mr BRINDAL: I have listened to the member for Fisher and I am not doubting the bona fides on this issue. But when I heard the Attorney supporting it, he is in my opinion a popularist and he is supporting it for probably base political motive rather than motives of good law. Therefore, that makes me very suspicious, because I am minded that this is the same Attorney who brought into this house the anti-fortress legislation, which has proved to be so stupid and so ineffective in doing anything for anyone and is muddling councils and the police up.

The Hon. M.J. Atkinson: It is certainly working for the Charles Sturt council.

Mr BRINDAL: It certainly worked for the Attorney as a clever political ploy on the Bob Francis show. That is about the best you can say for it. I intend to support the member in his amendments—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: I am sorry—because I have known the member for Fisher for our entire time in parliament, and before, and I know him to be an absolutely genuine person. But I abhor the trend of this parliament to pursue populist

legislation that will not necessarily solve a problem but appears to improve the Premier's rating—and I am not accusing the member for Fisher of that.

Before I sit down, Mr Acting Chairman, can I make one other observation so that it is on the record?

The ACTING CHAIRMAN (Mr Snelling): So long as it is to do with the clause in question or the amendment.

Mr BRINDAL: It is to do with the time, it being beyond 6 p.m. and our having extended. I just note that the house is due to sit late tonight, and we are being deprived of tea time.

The Hon. M.J. Atkinson: I will get you a nose bag.

Mr BRINDAL: You can say what you like. I just wish to inform the house that the occupational health and welfare of the members is an absolute—

The ACTING CHAIRMAN: Order! The motion has been put that we sit beyond 6 p.m. That motion was carried. I will not entertain any debate on that. If the member has anything to add to either the clause being debated or the amendment of the member for Mitchell.

Mr BRINDAL: I will add it in a grievance speech.

The ACTING CHAIRMAN: By all means do.

Mr BRINDAL: But I want the committee to be aware why I will not be here to participate in the debate.

The Hon. R.B. SUCH: I would just make the point that this measure is a carbon copy of Queensland legislation. The only variation from the Queensland model is the boom box or the rap box, whatever you want to call it. But it has worked in Queensland without the necessity for an amendment like the member for Mitchell's. It has worked brilliantly up there; it has been going now for almost two years. They have not found such a provision necessary. Are the police up there more competent than the police down here? I do not think so.

Why is it suddenly necessary to change something that works? People here want to invent the wheel that has already been invented in Queensland and works brilliantly. The bill does not need this other amendment which will just complicate things. It gets away from the simplicity of a system for and getting caught in the act of hooning. It is not Aunt Mary ringing up and saying, 'Look, I think my nephew is a hoon.' You have to be caught in the act of hooning, of doing those things specified in the bill. I do not see the amendment is necessary.

The amendment talks about being at the commissioner's discretion in terms of compensation over and above $100. If that is passed I think you will end up with it being a field day for lawyers and every other person who likes to drag out legal matters. Young people want the issue resolved promptly and cop the penalty, which, at the end of the day, is 48 hours without the vehicle. I do not think it is the end of the world. It is better to have your vehicle lost for 48 hours than to have killed someone on the road.

Mr HAMILTON-SMITH: I oppose the amendment. Whilst I respect the high principle of my colleagues, and while the points made by them and by the member for Mitchell have considerable merit, I am persuaded that proposed new section 66B(2) provides some assurance that the police will not abuse their powers. Quite simply, before exercising their power to confiscate the motor vehicle, at the time of the offence they must be sure that the person driving is to be or has been reported for the relevant impounding offence and has been advised of the fact or has been charged with or arrested in relation to the relevant impounding offence. The police will seize a vehicle only if someone essentially has been caught in the act red handed, they are being charged and off they go. They have been caught.

I accept the point that, if subsequently it turns out that for one reason or another they get off with the conviction, some compensation should be paid, which is the argument of the amendment. I would have some sympathy for that later, once the bill is passed and becomes an act and once we have tested its operation. If it is seen to have been abused I would have some sympathy for an amendment once we have tested it. However, I have a concern that this amendment will signal to the young villains committing these offences that, if they are tricky and they are prepared to contest and argue the point and go to court and make a fuss, there might be an opportunity for them to get off or wriggle out of it. It takes some of the punch away from the intent of the legislation, which is to send a signal to young hoon drivers that they should not be out there doing wheelies, inconveniencing the community and putting their own lives and the lives of others at risk.

I think the principle raised by the member for Mitchell has some merit—I accept that—and if it is proven that there is a problem with the bill once it becomes an act I would have considerable sympathy for this measure, but to introduce it now will water down the bill, which needs to go out into the community with some gusto, purpose and energy to get the right message out there, so that these people stop committing the offences. The amendment has merit, but this is the wrong time for it to be inserted in the bill. It should come back once we have a chance to test the legislation and see how it goes.

Mr HANNA: The member for Davenport was right in pointing out that it is possible for police to make a mistake in good faith. This is casting no aspersion on any police officer in respect of the good faith with which they perform their duties, but it is possible to make an error of judgment in good faith. It is possible to say to a young person, typically, 'That music is excessive; I don't like it, and I have apprehended you in relation to this and another offence and impounding your vehicle.' If it is simply an error of judgment on the part of the police officer, and later in a court of law a magistrate finds that the police officer, despite a sincere belief, was mistaken, I am saying that that innocent person should have compensation for the inconvenience and any economic loss they suffer as a result of losing their vehicle for 48 hours. Is it too much to ask?

The member for Fisher has answered that basic civil liberties objection by pointing to the proposed new section 66H, which says that there would be compensation if the impounding authority seizes the vehicle in good faith. The member for Fisher does not meet the fundamental objection I am bringing to the committee. Unless the honourable member can honestly say to all of us that police never make a mistake, then the member in this bill is exposing innocent people to the loss of their vehicle, which is a significant asset, albeit for a period of 48 hours. The state should not be in the business of taking away people's property without good reason, without compensation, if the state is wrong in doing so.

I have made the point as well and as simply as I can: innocent people should not be punished without compensation if they are falsely accused, and that is assuming that the police officers concerned are acting in good faith—mistaken, but in good faith. I sincerely ask the member for Fisher to reconsider his position in relation to this. We do not know whether there are examples in Queensland where people have been wrongly done by—there may be. I do not think even the member for Fisher, who has researched this matter carefully, has looked at every case to see whether somebody has had their vehicle impounded when in fact it should not have

happened. If it should not have happened there should have been a minimal amount of compensation for that person. The amendment is important and I ask the member for Fisher to reconsider.

The Hon. M.J. ATKINSON: The member for Mitchell opposes the bill. He wishes to frustrate—

Mr Hanna: Now I am being verballed, am I?

The Hon. M.J. ATKINSON: —the passage of the bill.

Mr Hanna: You're just being nasty.

The Hon. M.J. ATKINSON: The member for Mitchell does not wish to see this proposal come into operation. He would achieve his objective by inserting this clause and making sure that no police officer in the length and breadth of this state would apply this law because of the risk of having to pay compensation.

I refer members to proposed new section 66B(6), which provides:

> If the Commissioner is satisfied that a motor vehicle impounded under this section—
>
> (a) was not the subject of an impounding offence; or
>
> (b) was, at the time of the impounding offence, stolen or otherwise unlawfully in the possession of the driver or operator or was being used by the driver or operator in circumstances prescribed by regulation,
>
> the motor vehicle is no longer liable to be impounded under this section and the Commissioner must release the motor vehicle as if the period of 48 hours referred to in subsection (3) had expired.

That is reasonably clear. It is a safeguard. Further, if a police officer acts with male fides our general law already gives the citizen the ability to sue a police officer, to sue the police force and to recover damages. If the allegation on which the vehicle was impounded is not proved in court, the costs of towing and storage will not be levied, and therefore will have to be met by SAPOL. That is entirely appropriate, and it is already a strong disincentive for the police officer to be in error. Make no mistake, if members support this amendment they do not want the proposed law to be applied.

Mr WILLIAMS: I will endeavour to be very brief.

The Hon. M.J. Atkinson: You never are.

Mr WILLIAMS: At least I will endeavour. I did not intend to speak at all but, by way of chatter across the chamber a few minutes ago when I indicated that I was in support of this matter proposed by the honourable member, the Attorney-General said, 'The member for MacKillop supports hoon driving.' I want to make it perfectly clear to the committee—and that is why I will put into the *Hansard* my thoughts on this matter—that I am not in support of hoon driving. However, I do not believe that this bill, as proposed by the member for Fisher, is the panacea to hoon driving.

The problem with hoon driving is not that the police do not have powers enough already, it is that they have no presence where the hoon driving is occurring. The member for Fisher has pointed out that the police would virtually have to catch these people red-handed. The police have plenty of powers now if they are present when these things are happening—

The Hon. M.J. Atkinson interjecting:

The ACTING CHAIRMAN: Order!

Mr WILLIAMS: Not to impound, but they have plenty of powers to act against people who are causing and creating public nuisance.

The Hon. R.B. Such: Why is it not working?

Mr WILLIAMS: That is the exact point I am making: it is not working because the police do not have a wide enough presence.

The ACTING CHAIRMAN: The member for MacKillop is out of order. This is not the time to revisit the second reading debate. There will be an opportunity in the third reading to offer general comments about the bill. I draw the member for MacKillop back either to the clause we are discussing or to the amendment of the member for Mitchell.

Mr WILLIAMS: Thank you, Mr Acting Chairman, for your wise counsel. As I said in my opening remarks, I want to put on the record—

The ACTING CHAIRMAN: And I gave you latitude to do that.

Mr WILLIAMS: Thank you. I want to put on the record the reason why I support this bill. I have made the point that I believe that the major problem the police have is that there is not enough of them to control hoon driving. Also, as a younger man I drove what probably would have been regarded as a hoon vehicle. I drove a Holden Monaro, not as a lad but as a married family man, and the police often pulled me over for the most minor reason. I do not know that I ever got charged with any traffic offence but I was stopped very often. The police would come over, see that I had my wife and children in the car, we would have a friendly chat and they would send me on my way.

I was always convinced that if I was an 18 year old long-haired lad with my mate sitting next to me and a stubbie or two rolling around on the floor of the car I probably would have had a different experience with the police.

The Hon. R.B. Such: You were not hooning?

Mr WILLIAMS: No, I was not hooning, but they pulled me over because of the motor vehicle I was driving; and, from my experience, that does occur. The police will pull over a vehicle because they suspect it is being driven by a hoon, and then they will give him a hard time. I have experienced that, so I am loath to give the police any additional powers without very strict controls. I think that is what the honourable member is doing here and, consequently, I support the amendment he has put before the committee. In fact, as I said, I do not support the whole bill; I think it is superfluous.

Mr HANNA: The Attorney-General has misrepresented me in the debate. It is unfortunate that he feels the need to be provocative and discourteous in presenting his argument. However, I put that to one side. The fundamental objection remains that there is not sufficient safeguard for entirely innocent people, particularly where police officers make a genuine and honest but mistaken assessment of whether an offence has been committed when they impound a vehicle. Of course, that error in judgment may easily be the case when we are talking about something which the member for Fisher himself calls a subjective judgment about what is and what is not excessive noise.

The Attorney-General pointed to some safeguards in the bill. Let us assume that a person is innocent and has their car impounded. If they can demonstrate that it was wrongfully impounded, within the 48 hours that it is impounded the Commissioner will release the car. However, it may take 24 hours or 36 hours to establish innocence, so there is a loss and an inconvenience to the person right there. If they are a taxi driver and the taxi is taken off the road for 36 hours, you can be talking about a substantial loss. If you are talking about a truck that is about to carry something to Sydney and it is taken off the road for 24 hours, let alone 48 hours, you could be talking about a substantial loss to the person.

Mr Koutsantonis: A courier driver.

Mr HANNA: A courier driver is another example, and I thank the member for West Torrens for that. The same applies. So, the safeguard that the Attorney is pointing to is quite inadequate, particularly where there is actual economic loss to the person who loses their car for 24 hours—and remember that we are assuming an innocent person for the purpose of the argument. One cannot say that the police will never make an innocent mistake in their assessment of excessive noise in relation to this legislation.

The Labor Party, of course, will vote as a bloc in relation to this amendment and the bill as a whole. Disappointingly, I know that a number of members of the Labor Party would be sympathetic to the principle of providing compensation to innocent citizens who have had a significant asset seized at the recommendation of a police officer. It is a bizarre turn of events when we have members of the Liberal Party supporting this basic common law principle but the Labor Party denying it.

I make a final entreaty to the member for Fisher to reconsider and allow this amendment. It will not gut the bill. Police officers will still go around every weekend stopping hoon drivers and impounding their vehicles. If, by chance, they get it wrong and the person is innocent as a matter of law (that is, in reality) then compensation should be payable—not by the individual police officer but by the state through the Police Commissioner. It is a very important principle.

Let me say something about the risks that police officers take every day. Every single day police officers in this state back their judgment. When they go and search a house where there are suspected drug implements or drugs themselves, they back their judgment that they are appropriately searching that place. They are saying, 'We have a reasonable suspicion, we back our judgment, and we will go in and take certain material for evidence.' If they do that wrongly, they can be liable to a civil suit. If they arrest people improperly, they can be liable to a suit for false imprisonment. The Attorney-General is correct, and that is the general law.

The problem we have here is a practical one. Who will sue for the inconvenience of losing a car for 48 hours and losing a couple of hundred dollars as a taxi driver or truck driver? What I am doing is proposing a simple administrative scheme whereby innocent people will be compensated without having to go and find a lawyer, and without having to pay $60 for a summons to get into the Magistrates Court to sue for a couple of hundred dollars. This way, if the Police Commissioner says, 'Okay, we are wrong,' we can give the person a hundred couple of hundred dollars, and that brings some justice to the bill.

The Hon. R.B. SUCH: There are general safeguards. If a police officer acts contrary to the good faith provision, that police officer will soon be well known to the Commissioner of Police and talkback radio. Those incidents will be reported in the media and to local MPs. No police officer will want to be the subject of complaints that they have acted without good faith.

Mr Hanna: We are talking about police officers acting in good faith, but mistakenly.

The Hon. R.B. SUCH: In that case a situation would soon emerge where that police officer is known to be incompetent—it is great for their career! They have to catch the person in the act, and people are talking about couriers, trucks and so on. It is specified in proposed new section 66, 'Interpretation', what one has to be caught doing. If the member for Mitchell has a concern, I think it is best to have a look at this in practice. It has not been a problem in Queensland, and I have looked at it pretty thoroughly. Have a look at this down the track and, if a problem emerges, I will be the first to support it. If the member for Mitchell can demonstrate that it has been abused or misused, he can come back to parliament.

Mr Hanna: Let's do it right now.

The Hon. R.B. SUCH: There has been no need for such a provision in Queensland. I do not know why we should be so different here.

The committee divided on the amendment:

AYES (8)

Brown, D. C.	Buckby, M. R.
Evans, I. F.	Gunn, G. M.
Hanna, K.(teller)	Lewis, I. P.
Penfold, E. M.	Williams, M. R.

NOES (29)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Hamilton-Smith, M. L. J.
Hill, J. D.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Scalzi, G.	Such, R. B. (teller)
Thompson, M. G.	White, P. L.
Wright, M. J.	

Majority of 21 for the noes.

Amendment thus negatived.

Mr HAMILTON-SMITH: I seek an assurance from the proponent of the bill that, if a car is confiscated on a third offence and sold and that car has an encumbrance (for example, a debt to a finance company or bank), the owner of the vehicle remains responsible for that debt—that is to say, that the finance company or bank has no hold over the vehicle. In other words, an added consideration for a hoon driver would be whether, if their vehicle was confiscated and sold, they would still be stuck with paying the money they might owe on the vehicle. I think it is wholly proper that I seek that assurance, and I want it on the record.

The Hon. R.B. SUCH: I am advised that the civil contract remains and is not affected by the provisions of this act. So, that debt would still remain on a civil basis.

Clause passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

[Sitting suspended from 6.38 to 7.30 p.m.]

TEACHING REGISTRATION AND STANDARDS BILL

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to regulate the teaching profession. Read a first time.

The Hon. J.D. LOMAX-SMITH: 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 Teaching Registration and Standards Bill will establish the Teacher Registration Board in this State as an independent body, under its own legislation. The key role of the Board will be to promote and regulate our teaching profession.

The object of this Bill is to establish a system of teacher registration that will safeguard the public interest by ensuring our teaching profession is of high quality and its members are both competent educators, and fit and proper persons to have the care of children.

When enacted the Bill will repeal Part 4 of the *Education Act 1972*. These provisions are now 32 years old and no longer meet community expectations nor the national standard required regarding teacher registration.

The Bill is part of the Government's *Keeping Them Safe* child protection reforms. It supports the protection of children and recognises the professionalism of South Australian teachers, who work with children and young people both in our government and non-government schools and preschools.

It will raise the status of the profession and those standards of teaching required for the purposes of registration. It will strengthen the powers of the Teachers' Registration Board in regulating and maintaining a high quality teaching workforce.

Public consultation has indicated overwhelming support for the Bill, and confirmed that it is a significant and much needed improvement on the current provisions in the Education Act. Detailed and valuable input was received from teachers, community members and organisations, Parent and Professional Associations, Catholic Education SA, the Association of Independent Schools of SA Primary, the Independent Education Union, the Australian Education Union and the current Teachers Registration Board.

Respondents to the consultation strongly supported the intent of the Bill to strengthen the protection of children in our schools and enhance child safety and welfare measures. Respondents considered it timely for the powers of Teachers' Registration Board to be reconsidered, particularly in the light of current cases of abuse. The need for the public to have confidence in our teachers was affirmed, through the consultation feedback, as a guiding impetus for change. All key stakeholders have contributed to the process of refining this Bill, and many specific suggestions provided during the consultation have been included. The Bill that you have before you today is a significant, major reform of teacher registration and standards.

The Bill will give assurance to teachers and the wider community that the high quality of our teaching profession will be maintained over time. It will also provide assurance that our systems of teacher registration and monitoring of the profession afford the best possible protection to children and students, across all school sectors, in South Australia.

Key features of the Bill include:

- The provision of rigorous measures and capacity for the Teachers' Registration Board to ensure quality and 'fitness to teach' standards that are in line with nationally agreed measures.
- Enhanced ability of the Board to screen, monitor and make decisions on the suitability of teachers to work with children in the school and preschool environment.
- Enabling the Board to impose preconditions on an application for registration and subsequent conditions on registration, renewal and where a Special Authority to teach is granted. The Board will have the authority to require criminal history checks and current training in mandatory reporting of suspected child abuse, prior to registration and renewal.
- Providing authority for the Board to undertake investigations and apply disciplinary action, where appropriate, after an open and transparent inquiry. The Board will be have the capacity to reprimand, fine, impose conditions, suspend, cancel or disqualify from registration.
- Enhanced provisions for the sharing of critical information between the Board, employers in all schooling sectors, the Police, and Australian and New Zealand teacher regulatory bodies to stop movement of child abusers between schools and across States.

This Bill will advance and enhance professional recognition of our teachers, while delivering many new safeguards for the safety and wellbeing of children. While I am confident that the overwhelming majority of our teachers are clearly of the utmost integrity, we need to ensure that the protection of our children from physical, sexual or psychological abuse is paramount.

The Bill establishes the Teachers Registration Board as an independent statutory authority with the powers of a body corporate. This autonomy is balanced with a limited power for the Minister to give written direction to the Board when it is in the public interest. The Minister must lay any such direction before Parliament within three sitting days of giving the direction. The Minister may not give a direction that relates to a particular person or a particular application or inquiry or the performance by the Board of its function of determining qualifications and experience for the purposes of registration.

Significant work is underway at the national level to ensure consistency of standards for the teaching profession and this Bill will put our registration practices at the forefront of that change. It places responsibility with the Teachers Registration Board for the development of those standards required by people seeking to be registered teachers, and acknowledges the role of the Board in supporting professional standards established within the education field.

The Bill rightly enables the Teachers Registration Board to ensure children's safety by assessing the fitness and propriety of people seeking registration, and renewal of registration, as well as those seeking a Special Authority to teach.

Transitional provisions contained in the legislation will provide for retrospective criminal history checks on teachers who started practising before 1997, two-thirds of whom have never been checked. Checks will be conducted on all 35 700 teachers currently registered in this State. The Government is providing $700 000 to fund the cost of the checks and ensure a new benchmark is set for future confidence of parents and the wider community.

The Bill will help to ensure that South Australians can have the utmost confidence in the quality and professionalism of South Australian teachers.

I commend the Bill to the honourable members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

Various terms used in the Bill are defined. Attention is drawn to the following:

School is defined to mean a school established for the purpose of providing education at primary or secondary level, whether or not also for the purpose of providing a pre-school education.

Pre-school education is defined to mean the provision of courses of education, training and instruction to children under the age of 5 years.

By these definitions, as they are used in subsequent provisions, the Bill is limited in its application to teaching at pre-school, primary and secondary levels.

Part 2—Object of Act

4—Object of Act

The object of the measure is to establish and maintain a teacher registration system and professional standards for teachers to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children.

Part 3—Teachers Registration Board

5—Establishment of Teachers Registration Board

The *Teachers Registration Board of South Australia* is established as a body corporate.

6—Functions of Teachers Registration Board

This clause sets out the functions of Teachers Registration Board as follows:

- to administer the provisions of the measure for the regulation of the teaching profession;
- to promote the teaching profession and professional standards for teachers;
- to confer and collaborate with teacher education institutions with respect to the appropriateness for registration purposes of teacher education courses;
- to confer and collaborate with teacher employers, the teaching profession, teacher unions or other organisations and other bodies and persons with respect to requirements for teacher registration and professional and other standards for teachers;
- to confer and collaborate with other teacher regulatory authorities to ensure effective national exchange of information and promote uniformity and consistency

in the regulation of the teaching profession within Australia and New Zealand;
- to keep the teaching profession, professional standards for teachers and other measures for the regulation of the profession under review and to introduce change or provide advice to the Minister as appropriate.

7—Primary consideration in performance of functions
The Teachers Registration Board must have the welfare and best interests of children as its primary consideration in the performance of its functions.
8—Directions by Minister
The Minister is empowered to give directions to the Teachers Registration Board in the public interest, but not any direction that relates to a particular person or a particular application or inquiry or the performance by the Board of its function of determining qualifications or experience for registration. Any direction must be preceded by consultation with the Board and be laid before each House of Parliament within 3 sitting days.
9—Membership of Teachers Registration Board
This clause provides for the Board to have a membership of 16, including nominees of the Catholic Education Office, the Association of Independent Schools of South Australia Incorporated, the Australian Education Union (S.A. Branch), the Independent Education Union (S.A. Branch) and the State's universities.
10—Terms and conditions of membership
This clause contains the usual provisions concerning terms and conditions of membership.
11—Remuneration
A member of the Teachers Registration Board will be entitled to remuneration, allowances and expenses determined by the Governor.
12—Conflict of interest etc under Public Sector Management Act
The *Public Sector Management Act 1995* has been amended to include conflict of interest provisions for bodies such as the Board. This clause makes it clear that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of that Act by reason only of the fact that the member has an interest in the matter that is shared in common with teachers generally or a substantial section of teachers in this State, or schools or kindergartens generally or substantial section of schools or kindergartens.
13—Validity of acts of Teachers Registration Board
An act or proceeding of the Teachers Registration Board or a committee of the Teachers Registration Board will not be invalid by reason only of a vacancy in its membership or a defect in the appointment of a member
14—Procedures of Teachers Registration Board
This clause contains the usual provisions concerning procedures for meetings.
15—Registrar of Teachers Registration Board
There is to be a Registrar of the Teachers Registration Board.
16—Committees
The Teachers Registration Board may establish committees.
17—Delegation
This clause allows delegation by the Board. However, the Board may only delegate the holding of an inquiry to a committee of the Board that is comprised of not less than 3 members of the Board and includes a member who is a legal practitioner and a member who is a practising teacher.
18—Accounts and audit
This clause contains the usual provisions concerning accounts and audit.
19—Annual report
This clause contains the usual provisions requiring annual reporting. An annual report of the Board must also include details of any delegation of a function or power of the Board in operation during the relevant financial year.
Part 4—Requirement to be registered
20—Requirement to be registered
It will be an offence with a maximum penalty of $5 000 if a person who is not a registered teacher—
- undertakes employment as a teacher, principal or director at a school or recognised kindergarten; or
- for a fee or other consideration, personally provides primary or secondary education, or offer to do so; or
- claims or pretends to be a registered teacher.

It will be an offence with a maximum penalty of $10 000 if—
- a person employs another person as a teacher, principal or director at a school or recognised kindergarten and the other person is not a registered teacher; or
- a person employs another person in the course of a business to provide primary or secondary education and the other person is not a registered teacher.

These prohibitions do not apply in relation to a person acting in accordance with a special authority to teach granted by the Teachers Registration Board under Part 6.
Part 5—Registration
21—Eligibility for registration
A person is to be eligible for registration as a teacher if the person—
- has qualifications and experience prescribed by regulation or determined by the Teachers Registration Board to be appropriate; and
- has met any other requirements for registration prescribed by regulation or contained in professional standards or determined by the Board to be necessary for registration; and
- is a fit and proper person to be a registered teacher.

A person is to be eligible for provisional registration as a teacher if the person does not have the necessary experience but is otherwise eligible for registration.
22—Application for registration
This clause deals with applications for registration.
23—Grant of registration
The Board may grant registration (or provisional registration) to persons who are eligible.
24—Conditions of registration
Registration may be made subject to conditions.
The Board must make it a condition of every registration that—
- if the person is charged with or convicted of an offence of a kind specified in the condition (which may include offences under the law of South Australia or elsewhere), the person must, within 14 days, give written notice of the charge or conviction to the Board containing the details specified in the condition;
- if the person is dismissed from employment as a practising teacher in response to allegations of unprofessional conduct, or resigns from employment as a practising teacher following allegations of unprofessional conduct, the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition;
- if the person is dismissed from any employment in response to allegations of improper conduct relating to a child, or resigns from employment following allegations of improper conduct relating to a child, the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition.

25—Offence to contravene certain conditions of registration
It will be an offence to contravene conditions of registration requiring the Board to be notified of a matter or imposing a restriction on the practice of teaching.
26—Term of registration
The usual term of registration will be 3 years. Registration may be made subject to conditions reducing the term in particular cases.
27—Requirement for provision of information
The Teachers Registration Board or the Registrar may, at any time, require a registered teacher or the employer or a former employer of a registered teacher to provide information relating to the teacher or the teacher's employment.
28—Register
This clause makes detailed provision about the keeping of a register relating to registered teachers and public access to the register.
29—Certificates of registration
This clause deals with the issuing of certificates of registration.
Part 6—Special authority for unregistered person to teach
30—Special authority for unregistered person to teach

The Teachers Registration Board may, on application by a person who is not a registered teacher, in its discretion, grant the applicant a special authority to teach for a period and subject to conditions specified by the Board.

The Board may not, however, grant a person a special authority unless the person consents to the conduct by the Board of a criminal record check and meets any requirements prescribed by regulation.

The Board may, in its discretion and without any requirement for a hearing or other process, by written notice to the holder of a special authority, vary or revoke the special authority.

31—Register

The Teachers Registration Board must keep a register of persons granted special authorities.

Part 7—Action to deal with unprofessional conduct or incapacity of teachers

32—Application and interpretation

Part 7 is to apply to conduct engaged in by a teacher whether before or after the commencement of the measure and whether within or outside South Australia.

In Part 7, ***teacher*** is defined to mean a person who is or has been employed as a teacher whether or not the person is or has been registered as a teacher.

33—Cause for disciplinary action

There is to be proper cause for disciplinary action against a teacher if—

- the teacher has improperly obtained registration as a teacher; or
- the teacher has been guilty of unprofessional conduct; or
- the teacher is not a fit and proper person to be a registered teacher; or
- the teacher's registration or other authority to teach has been suspended, cancelled or otherwise withdrawn by another teacher regulatory authority.

The Teachers Registration Board may have regard to any evidence of the teacher's conduct that it considers relevant (no matter when the conduct is alleged to have occurred), regardless of whether the information was before or could have been before the Board at the time.

34—Registrar may conduct investigation

The Registrar is empowered to conduct investigations.

35—Inquiries and disciplinary action

The Teachers Registration Board may, on complaint by the Registrar or of its own motion, hold an inquiry to determine whether conduct of a teacher constitutes proper cause for disciplinary action.

If, after conducting an inquiry, the Board is satisfied on the balance of probabilities that there is proper cause for disciplinary action against the teacher, the Board may do one or more of the following:

- reprimand the teacher;
- order the teacher to pay a fine not exceeding $5 000;
- in the case of a registered teacher—
- impose conditions of the teacher's registration;
- suspend the teacher's registration for a specified period or until the fulfilment of specified conditions or until further order;
- cancel the teacher's registration with immediate effect or effect at a future specified date;
- disqualify the teacher from being registered as a teacher permanently or for a specified period or until the fulfilment of specified conditions or until further order.

36—Punishment of conduct that constitutes offence

If conduct constitutes an offence and also proper cause for disciplinary action, the taking of disciplinary action is not to be a bar to conviction and punishment for the offence, nor is conviction and punishment for the offence to be a bar to disciplinary action .

However, if a person has been found guilty of an offence and circumstances of the offence are the subject matter of an inquiry, the person is not to be liable to a fine under Part 7 in respect of conduct giving rise to the offence.

37—Employer to report dismissal etc for unprofessional conduct

This clause imposes a duty on an employer of a practising teacher who dismisses the teacher in response to allegations of unprofessional conduct, or accepts the resignation of the teacher following allegations of unprofessional conduct, to submit a written report to the Teachers Registration Board within 7 days.

38—Action by Teachers Registration Board to deal with impairment of teacher's capacity

The Teachers Registration Board may, on complaint by the Registrar or of its own motion, hold an inquiry to determine whether a teacher's capacity to teach is seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher.

The Teachers Registration Board may, during the course of an inquiry, require the teacher to undergo a medical examination by a medical practitioner selected by the teacher from a panel of medical practitioners nominated by the Board and to provide, or authorise the medical practitioner to provide, a report on the results of the medical examination to the Board.

If, after conducting an inquiry, the Board is satisfied on the balance of probabilities that the teacher's capacity to teach is seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher, the Board may do one or more of the following:

- impose conditions of the teacher's registration;
- suspend the teacher's registration for a specified period or until the fulfilment of specified conditions or until further order;
- cancel the teacher's registration with immediate effect or effect at a future specified date.

39—Employer to report impairment of teacher's capacity

This clause imposes a duty on an employer of a practising teacher to report to the Teachers Registration Board if the employer has reason to believe that the teacher's capacity to teach is seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher.

40—Notification by Registrar of inquiry and outcome

The Registrar is required to give notice of the commencement and the outcome of an inquiry to—

- the person's employer if the person to whom the inquiry relates is a practising teacher;
- the chief executives of the Department, the Catholic Education Office and the Association of Independent Schools of South Australia Incorporated;
- the Director of Children's Services;
- the other teacher regulatory authorities in Australia and New Zealand.

Part 8—Provisions relating to proceedings of Teachers Registration Board

41—Application

Part 8 applies to proceedings of the Teachers Registration Board on an application for registration or on an inquiry.

The Part does not apply to an application that the Board decides to grant without a hearing.

42—Natural justice and right to be heard and to call evidence etc

The Teachers Registration Board is to observe the rules of natural justice in proceedings.

In particular, the Board is to—

- give the person to whom the proceedings relate at least 21 days' written notice of the time and place at which it intends to conduct the proceedings;
- if the proceedings are on an inquiry, include in the notice particulars of the allegations that are the subject of the inquiry;
- afford the person a reasonable opportunity to call and give evidence, to examine or cross-examine witnesses, and to make submissions to the Board.

The requirement to give written notice does not extend to adjournments.

The Board may proceed to hear and determine the matter in the absence of the person if the person does not attend at the time and place fixed by the Board.

43—Evidence and findings in other proceedings

The Teachers Registration Board may—

- receive in evidence a transcript of evidence taken in proceedings before a court, tribunal or other body constituted under the law of South Australia or any other place and draw conclusions of fact from the evidence that it considers proper;

- adopt, as in its discretion it considers proper, any findings, decision, judgment, or reasons for judgment, of any such court, tribunal or body that may be relevant.

44—Power to issue summons etc

This clause confers on the Board the usual powers to compel the attendance of witnesses, the production of documents, the answering of questions, and so on.

45—Principles governing proceedings

In proceedings, the Teachers Registration Board—

- is not bound by the rules of evidence and may inform itself on any matter as it thinks fit;
- may, of its own motion or on the application of a party, direct that the proceedings or a part of the proceedings be held in private;
- may, subject to this Act, determine its own procedures.

46—Protection of children etc

Section 13 of the *Evidence Act 1929* allows a court or body such as the Board to make special arrangements for the taking of evidence from a witness in order to protect the witness from embarrassment or distress, to protect the witness from being intimidated by the atmosphere of a hearing-room or for any other proper reason.

This clause provides that if evidence is to be given in proceedings by a student or a vulnerable witness, the Board should, before evidence is taken in the proceedings from the witness, determine whether an order should be made under that section.

47—Representation at proceedings

A party to proceedings is entitled to be represented at the hearing of those proceedings by a legal counsel or other person.

48—Counsel to assist Teachers Registration Board

The Teachers Registration Board may be assisted by a legal counsel at the hearing of proceedings.

Part 9—Appeals

49—Right of appeal

A right of appeal to the Administrative and Disciplinary Division of the District Court lies against a decision of the Teachers Registration Board made in the exercise or purported exercise of a power under Part 5 or Part 7.

Part 10—Miscellaneous

50—Information from Commissioner of Police relevant to registration

The Commissioner of Police must, at the request of the Teachers Registration Board, and may, at the Commissioner's own initiative, make available to the Board information about criminal convictions and other information to which the Commissioner has access relevant to the question of a person's fitness to be, or continue to be, registered as a teacher.

The Commissioner of Police is not required to provide information that the Commissioner considers—

- may prejudice or otherwise hinder an investigation to which the information may be relevant;
- may lead to the identification of an informant;
- may affect the safety of a police officer, complainant or other person.

Information may be provided whether or not the person to whom the information relates has consented to the provision of the information.

51—Arrangements between Teachers Registration Board, DPP, and Commissioner of Police for reporting of offences

Section 50 is to apply to an offence that has been committed, or is alleged to have been committed, by a person who is a registered teacher, or is believed to be or to have been a registered teacher and raises serious concerns about the person's fitness to be, or continue to be, registered as a teacher.

The Board, the Director of Public Prosecutions and the Commissioner of Police are required to establish arrangements for reports to be made to the Board of the laying of charges for offences to which the section applies and the outcomes of the proceedings on the charges.

The Board, the Director of Public Prosecutions and the Commissioner of Police are to conduct reviews, at least annually, to ensure the continuing effectiveness of the arrangements and their implementation.

52—Notification of offences to employer etc

On becoming aware that a person who is or has been registered as a teacher has been charged with or convicted of an offence (whether or not in South Australia) that raises serious concerns about the person's fitness to be, or continue to be, registered as a teacher, the Registrar is required to notify—

- the person's employer if the person is a practising teacher;
- the chief executives of the Department, the Catholic Education Office and the Association of Independent Schools of South Australia Incorporated;
- the Director of Children's Services.

The Registrar must give similar notice if a charge is withdrawn or there is an acquittal and must notify the person concerned when giving notice of a charge.

53—Confidentiality

This clause is a confidentiality provision protecting against inappropriate disclosure of personal information obtained in the course of official duties under the measure.

54—False or misleading information

It will be an offence if a person makes a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under the measure.

55—Procurement of registration by fraud

It will be an offence if a person procures registration for himself or herself, or for another person, by fraud or any other dishonest means.

56—Self-incrimination

Under this clause, if a person is required to provide information or produce material and the information or material would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide information or material, but the information or material so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence relating to the provision of false or misleading information.

57—Service of documents

This clause deals with the service of documents.

58—Continuing offence

This clause provides for a daily penalty for continuing acts or omissions in breach of the measure.

59—Liability of members of governing bodies of bodies corporate

If a body corporate commits an offence against the measure, any member of the governing body of the body corporate who intentionally allowed the commission of the offence will be guilty of an offence and liable to the same penalty as is fixed for the principal offence.

60—General defence

It is a defence to a charge of an offence against the measure if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

61—Regulations

Provision is made for the making of regulations.

Schedule 1—Consequential amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Education Act 1972*

2—Amendment of section 5—Interpretation

3—Repeal of Part 4

4—Amendment of section 107—Regulations

The provisions in the *Education Act 1972* relating to teacher registration are removed.

Part 3—Transitional provisions

5—Transitional provisions

Existing registrations and authorities are kept in force.

Schedule 2—Temporary provisions

1—Conflict of interest

This clause sets out the obligations of members of the Board in relation to personal or pecuniary interests giving rise to an actual or possible conflict of interest. The clause will expire when section 6H of the *Public Sector Management Act 1995* (as inserted by the *Statutes Amendment (Honesty and Ac-*

countability in Government) Act 2003) comes into operation, or if that section has come into operation before the commencement of this clause, will be taken not to have been enacted..

2—Protection from personal liability

This clause protects members of the Board, the Registrar of the Board and any other person engaged in the administration of the measure from personal liability. The clause will expire when section 28 of the *Statutes Amendment (Honesty and Accountability in Government) Act 2003* comes into operation, or if that section has come into operation before the commencement of this clause, will be taken not to have been enacted..

3—Power to direct criminal record checks

The Minister is given power to give written directions to the Board, within 1 month after the commencement of the measure and after consultation with the Board, requiring it to obtain information to which the Commissioner of Police has access about criminal convictions and other matters relevant to the fitness for registration of all persons currently registered as teachers. The clause will expire 1 month after the commencement of the measure.

Mr BROKENSHIRE secured the adjournment of the debate.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 26 October. Page 593)

Clause 12.

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

Page 9, lines 20 to 23—

New section 27D(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) the holder of gaming machine entitlements may offer one or more of them for sale at a fixed price of $50 000 for each entitlement; and

(b) intending purchasers may submit offers to purchase at that price.

This amendment introduces a $50 000 fixed price trading entitlement. I spoke about this previously—I think in my concluding remarks of the second reading debate—to give an indication to honourable members what is involved and so that they could start thinking about it. I remind members that the initial discussions and proposals for the operation of the gaming machine entitlement trading market focused on an open market auction approach. Under this scheme, the prospective buyers would bid for entitlements potentially on an online bidding system. As a result of a whole round of discussions, it has been put to me that the $50 000 fixed price is a sensible way to go. This, and a number of consequential amendments, seeks to amend the bill to provide that the trading system for gaming machine entitlements be a fixed price trading system with $50 000 per entitlement.

In talking to this, I think that the key points of such a system are that it would provide certainty for all parties in making business decisions. I know that all members are looking to do that, so that is a good thing. It will also provide greater equity—equitable access to entitlements—and that is a good thing as well. It will also make the system simpler in the trading process, so that, too, is a good thing. They are three very strong points.

Some might say that, if you are going to have a trading system, let the free market operate. One could well make a case for that, but I think we need to look specifically at what we are doing with this bill and what we are talking about in regard to machine entitlements. I hope that people with that view of the free market system could put it in that context. It is a strong argument that we provide greater certainty by coming forward with this amendment of a $50 000 fixed price. We provide greater equity, and it makes the trading process simpler. All those things are good for business and must, therefore, be good for the community, and that is a sensible way to approach this.

I thought long and hard about this approach in my deliberations with the hotel industry, as I have shared with the house previously. I have met with them on the bill on about six occasions, and they have all been good and robust meetings—and I am not just talking about this issue, but this is one of the issues that we almost certainly discussed on every occasion we met. I was not necessarily convinced at the start but, working through the arguments, a very strong case was made. I have also taken advice on it beyond the approach put forward by the Hotels Association—which, ultimately, wrote to me formally requesting this—and this has firmed up my thinking. I have also spoken to the welfare sector, which supports this. So, I think members can be confident that this will work.

It makes it simpler and that is a good thing—that is what we, as legislators, should be trying to do. It has the support not only of those in the industry who are direct participants, but also of the welfare sector. As I said, I did think long and hard about it and it took me some time to come to this position—probably in the latter part of those six meetings that I referred to, and even then I took advice as to how it would work in a practical sense. Members can be confident that it will provide not only certainty but also incentive (which is important for those thinking of trading out) so that we get fewer venues. I recommend this to members with some confidence.

Mr BROKENSHIRE: I will be brief on this one, because I understand that the AHA is happy with this amendment and that it ties in the $50 000 matter instead of the bidding process going up to a set time. Given that this makes no fundamental difference with respect to problem gambling—it is more to do with tradability—I will support the minister's amendments and support the AHA in what it is doing in working with the minister on this one.

The only thing I want to say about this is that, whilst I did not like the way the conjured bidding process was formatted (it is a bit like a silent auction when you go to a fundraising event and everyone hangs around trying to get in at a minute to nine, because that is when you get the best chance to buy that product), I have to say that a fundamental ideology and principle of a liberal party is that the market should determine the value of the product. I know that some people in the industry will actually benefit—

Mr Meier interjecting:

Mr BROKENSHIRE: Some people will benefit by knowing that they get into this bidding quota line-type process and it is capped at $50 000. But, given that in New South Wales and places like that these machines have been selling at even $130 000, and given that it was legal for people to buy these gaming machines in the first place (and while they may not have paid an actual value, as such, for the machine they were legally allowed to go in, get machines, pay all the money to set them up and everything else—just like any other legal product), I do not like the fact that there is now a cap on the value, because the market should always determine the value of a product.

Mr Meier: Do you oppose it?

Mr BROKENSHIRE: No, I am going to let it go through because the minister has worked with the AHA on this, and the AHA has advised the Opposition that it supports the minister's amendment. I simply want it put on the public record that I do not think that capping a commodity of any type at a certain value is a good signal to send. The value of any product gets back to what the seller will sell it for and what the buyer will buy it for—that is a fundamental principle when it comes to buying products of any kind—and I know that, given that in New South Wales and places like that these machines have been selling at up to $130 000, some people are going to be disadvantaged by the fact that they would like to get right out of it.

We know that if there is one thing that may assist in this bill it is the removal of a venue, but if someone is going to get out they should have a chance to do that at the highest bid they can get for a gaming machine, and actually have a chance to make a future for themselves. Well, the bottom line is that they could now be knocked off for $50 000 to $80 000 a machine. I think that is an appalling situation but, having said that, I am not going to cause angst because, as I understand it, the majority of the AHA is happy with this process. Therefore, I understand what the minister is doing and I will not be causing him a problem on this amendment.

Mr WILLIAMS: This amendment, as much as anything, shows us just how ridiculous this piece of legislation is. The minister has stood in this house time after time and told us that to reduce the incidence of problem gambling we have to reduce access. He has argued against reducing the total number of machines per site and he has argued against restricting the number of hours because he said that will not reduce access. He also said that the way to reduce access is to reduce the number of sites, and that is one of the fundamentals behind this bill. Yet, he imposes a cap of $50 000 per machine to transfer, and there are some other things, such as the fact that the selling licensee does not get 100 per cent of the $50 000, even before the 3 000 reduction is reached, or after it. If we look at what a $50 000 capitalised value of a machine means, we see that it equates to a profit of about $10 per day per machine.

Ten dollars a day, even for 350 days in a year, amounts to $3 500, and at 7 per cent that works out at $50 000 for capital value. So, the minister is saying that the fundamental behind this bill is reducing the number of sites, and then he is asking us to believe that sites will sell their machines, when to retain those machines all they have to do is make $10 of profit per day and they would be better off. I would argue that by putting on this artificial cap—and as the shadow minister said, this should be left open to the market—it works directly against what the minister is arguing over and again to be one of the fundamentals of this bill.

I am not here to try to sort out this bill for the minister. As I said, I think I described it last night, or the night before, as a dog's breakfast. I have owned a number of dogs in my time, and I do not think any of them would approach something that looked like this bill. Notwithstanding that, it is not my job to try to sort it out. The shadow minister has indicated that he will not divide on this, but will allow it to go through on the voices. I just want to put on the record that this is an absurdity. It flies in the face of what the minister has said he is trying to achieve. It is one of the few things that he has stood up and said that he is trying to achieve, and he is undermining his own bill by introducing this amendment.

Amendment carried.

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

Clause 12, page 9, lines 24 to 41, page 10, lines 1 to 7—
New section 27D (3)—delete subsection (3) and substitute:
(3) The regulations establishing the approved trading system may include the following—
(a) provisions dealing with the eligibility of intending sellers and purchasers to participate in the system;
(b) conditions and restrictions on the sale of gaming machine entitlements (such as, for example, a condition providing that a gaming machine entitlement formerly held by the holder of a particular type of liquor licence may only be purchased by the holder of a liquor licence of a similar type);
(c) provisions for allocating gaming machine entitlements that are available for purchase under the approved trading system between intending purchasers;
(d) a provision requiring the purchaser of a gaming machine entitlement to acquire and operate a gaming machine under the entitlement within a specified period and providing that, if the purchaser fails to do so, the entitlement is to lapse;
(e) a provision requiring an intending seller of gaming machine entitlements to surrender a proportion of its entitlements to the Crown and prescribing how the Crown is to deal with entitlements so surrendered;
(f) a provision for the payment of a commission (not exceeding one-third of the purchase price) to the Crown on sale of a gaming machine entitlement under the approved trading system;
(g) a provision for the payment of fees by participants in the approved trading system;
(h) provisions dealing with any other aspect of the approved trading system.

This amendment does two things, although it is only the one amendment. The first part of it is consequential on what we have just talked about in regard to the $50 000 cap, and the second part, which is new (and I think it is important that I go through it with members), proposes that subsections (4) to (6) provide for the landlord lease issues of who has the right to sell the gaming machine entitlements. It is estimated that approximately 300 gaming machine venues are leased.

Some cases have arisen with respect to ownership and, hence, the right to sell gaming machine entitlements. Ownership issues have also been significant in other jurisdictions that have introduced similar schemes. It is proposed to provide that a licensee can only sell gaming machine entitlements where the parties to the lease agree or if there is a dispute where the licensee obtains a decision of the District Court on a fair and equitable distribution. So this will only apply to current leases. All new leases will be able to deal with entitlement ownership issues as the parties negotiate.

So, we are providing for a dispute resolution should it occur and, if it is to occur, as a result of putting value on gaming machine entitlements, at the expiration of a lease, there will be the opportunity for that to be sorted out in the District Court. So, the District Court will be there for that dispute resolution. I think that this is a commonsense approach. As I said, this is something that has been put in place in other jurisdictions.

Courts, of course, continually deal with disputes between landlords and tenants, and this seems a sensible approach. Once again, this is something that has the support of the AHA and of the industry, so I think I can safely recommend it to members.

Mr BROKENSHIRE: Again, I will be brief. I acknowledge what the minister has said, but my advice is that the AHA supports this, and for anyone reading or listening to this debate, again, it is fair to say that the parliament should consider what the AHA is saying here because at the end of

the day, primarily, they, together with the licensed clubs, are the people who are affected by all this. I will not therefore divide on this. However, I must say that it is possible that this District Court may be busy on an occasion or two, minister. Some of the lease agreements that I have heard about worry me a little.

From my own point of view, in my own electorate there is at least one venue where there may be a cause for having to use clause 4(b)(2). However, I hope that there is not too much of that. The final thing I will say is caveat emptor, or let the buyer beware, and people going in and buying a lease from a freehold in a hotel or anywhere else should be extremely careful how they go about entering into that contract, and make life a lot easier for everybody, including the Liquor and Gambling Commission.

Amendment carried.

Mr BROKENSHIRE: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Progress reported; committee to sit again.

MATTER OF PRIVILEGE

The SPEAKER: Earlier today, I drew the attention of the house to the fact that I had received a letter from the Leader of the Opposition asking the chair to consider whether a prima facie case existed to the proposition that the Treasurer had indeed misled the house. Examining the information at my disposal from the *Hansard* record, as well as what has transpired, on the face of it, since that time, I have come to the conclusion that, whilst honourable members may all believe that the Treasurer was addressing the question of when he first became aware of the particular line item out of the 30 transactions which line item was $1 million to the Crown Solicitor's Trust Account as the savings in the allocation for the Adelaide Police Station, it nonetheless remains that the question asked was expressly: prior to July 2003, was the minister informed by senior police or justice department officials that the relocation of the Adelaide Police Station had come in under budget by $1.3 million and that this amount was to be deposited in the Crown Solicitor's Trust Account? That was the question.

The answer given to that question had nothing to do with when the Treasurer became aware of the particular line item of the savings, but explicitly sought the information whether prior to July 2003 he was informed, which means that in answering he answered frankly and honestly. The supplementary question sought further information: 'I thought the Treasurer had been investigating these issues but, if he has to come back, can he also let us know whether it was an attempt to hide that money from Treasury?' Again, the Treasurer said, 'I have no recollection of that matter, but I am quite relaxed about it. I have no doubt that I have acted properly, and I will get an answer as quickly as I can.'

Without the chair accepting any responsibility in a privileges matter (which requires, should there be such a prima facie case, for a committee to discover the facts), nonetheless, to determine on the face of it whether a privilege may have been abused by a minister misleading the house requires the chair to examine what is there on the face of it. Accordingly, the chair has no alternative but to come to the conclusion on the facts available that neither the question nor the supplementary question received an answer that was in any manner factually inaccurate.

SITTINGS AND BUSINESS

The Hon. P.F. CONLON (Minister for Infrastructure): I move:

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

Motion carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Committee debate resumed.

Mrs HALL: I move:

Page 10, lines 42 to 44, page 11, lines 1 to 19—
New section 27E—delete subsections (6), (7) and (8)

This deletes the clauses relating to caps on gaming machine numbers in localities or regions. This is a terribly important amendment, and I hope that members consider the implications of what we will be doing if we do not support this amendment. Over the last three or four days we have heard many speeches on the absurdity of caps, the trouble that they have caused and the ineffectiveness of putting caps in this environment. Therefore this amendment has developed a little title of its own: 'Scrap the cap'. Apart from the fact that it is incredibly discriminatory, I believe that one of the main problems with the legislation as it is currently drafted is that the concept of a regional locality in the minister's bill can go beyond what was originally discussed in the report to the IGA.

Yesterday I had a few words to say about some of the absurd provisions, reports, findings and recommendations of the IGA and, when I went back to look at the basis upon which this amendment got its original legs, I have to remark that to say it was confusing would be quite charitable to the IGA. The background allegedly came from a series of recommendations from the Provincial Cities Association, and it prepared its submission on material that was provided to it by the South Australian Centre for Economic Studies. As we know, the Provincial Cities Association comprises Mount Gambier, Murray Bridge, Port Augusta, Port Lincoln, Port Pirie, the Riverland and Whyalla councils. Throughout its material, it quoted constantly from the research by the South Australian Centre for Economic Studies, highlighting the 'significantly higher gaming machine density in the provincial cities than for the state as a whole'. It also pointed to the apparent relationship between density and the number of harmful effects on gaming machines, and it went on to list a whole range of other reasons why it thought regional South Australia should get special consideration.

Apart from the fact that it is now widely acknowledged that caps are useless and probably cause more trouble than they are worth, the Provincial Cities Association also referred to the Productivity Commission's findings. I have to say that, when one looks at that, one understands that it is the most confusing and irrational set of logic that one has ever seen. The IGA recommends that reductions, expected to make it attractive for licensees in areas of high gaming concentrations to sell the remainder of their machines, may be appropriate. It also goes on to mention provisions for regional caps to prevent machines being sold into the regions until machine density in the regions has reached the desired level. Truly! That sort of gobbledegook makes me pretty cross.

The IGA then states that one of the reasons why this provision had to be included was that it would ensure a

flexibility measure—God knows what that means. It then goes on to talk about the fact that this may be a case for considering regional caps in South Australia. When you talk about a very unusual background and then say that it might give you reason to consider a regional cap, I would have thought it just about breaks every rule in the book in terms of straight discrimination. As we have discovered over the last few days, the clubs have got a pretty fair deal out of what has happened during this debate so far, so giving them another lot seems to me to be entirely inappropriate.

I return to the original IGA report, which is quite instructive if you can read into it enough to get any sense or understanding. There are very few references to regional caps. From what is stated on page 23, paragraph 3.5.3, under the heading 'Regional caps', I can understand why the hotel industry is particularly concerned about the definition and its potential power if this measure remains in the bill unamended. It states:

> In Victoria regional capping has been used as a measure to reduce perceived oversupply of gaming opportunities in particular areas. However, its use as a regulatory tool could also be used to prevent particular areas from becoming subject to oversupply.

My views on the IGA report are pretty well known, and I thought I had a good go at them yesterday. When you try to understand the basis for the inclusion of this provision, it is fair to say that it makes it look even worse. As I have said before, we have constantly heard the minister say that he will support this bill because the IGA has recommended it and that the bill is all based on their report. I do hope that the minister one day reads this report, because it is quite extraordinary and, as I said yesterday, if they can take 100 words to say what can be done in 10 they sure will. It is the greatest load of nonsense.

The Hon. M.J. Wright interjecting:

Mrs HALL: The IGA report, your report, the one that you have based this bill on. There are many reasons why I believe this cap should be scrapped. However, I understand in a sense of harmony and cooperation that I should not be too rude about the minister and this bill because I suppose we have all said it pretty consistently over the last couple of days, and it is all quite justified.

I understand the AHA is supportive of this amendment. One of the later pieces of material that the AHA sent to us states:

> We reiterate that any legislation which enables a cap to be imposed on the number of gaming machines in a region or locality, thereby preventing licensees from regaining their current machine numbers, is extremely discriminatory—

and as we know the Labor Party does not like discriminatory legislation—

> The bill provides for such restrictions in not only regional areas but any area, which may include metropolitan Adelaide. This will have a significant impact by immediately reducing the value of businesses in any restricted area.

I would be particularly concerned if these provisions remain in the bill. With what this government has done thus far in some of their utterly unwarranted attacks on the hotel and hospitality industry, I would be pretty concerned if they have a provision in the bill, which allegedly is there to assist in some way regional areas, which makes it very clear that it can be used as a tool to extend past any particular region. I think that the term 'locality' as worded has to give rise to other options in other regional areas and it could, as we have already acknowledged, extend into the metropolitan area.

The uncertainty that this bill and these provisions and the debate thus far have caused the hotel and hospitality industry in this state is absolutely frightening. I am sure that many members have not yet had a chance to read the latest October/November edition of *HotelSA*. On page 19 there is a story that should concern every single one of us as legislators. The article is headed up 'Uncertainty slashes hotel value' and the headline is '$1 million wiped from the value of Edwardstown pub'. I will not read the entire article but I do urge members to read it, because it really raises some of the horrifying aspects of this particular legislation and the lack of certainty that this most important industry has in this state. The article essentially says:

> A routine assessment by a prominent commercial property valuer of the Maid of Auckland Hotel at Edwardstown has discounted its market worth by $1 million.
>
> The major reason was the prevailing mood of uncertainty in the industry at the moment, which is largely because of the proposed changes to gaming and smoking laws.

It goes on and quotes the AHA as follows:

> The AHA has been saying publicly for several months about how the climate of uncertainty is hurting local hotels. . . Now we have concrete information from an independent expert to back this up. We can only hope members of Parliament will be mindful of the need for economic certainty when casting their votes in the coming weeks.

There are many things that can be said about the pretty loose wording of this provision within the bill. My amendment is very simple. It is just to take it out, because, quite frankly, we do not trust what the minister would like to do. He could give every assurance under the sun, but the loose wording in here means without doubt that it could go further. He could pop into any other region that he particularly took a dislike to. He has acknowledged that caps do not work, and this is exactly what this is about. It is highly discriminatory, as we know and as is recognised. I sincerely and genuinely hope that the Labor Party allows members to exercise a conscience vote to knock this clause out.

Dr McFETRIDGE: I rise in support of this amendment. The Labour government in England is freeing up gambling. It is going to be open slather over there. I wonder why the Third Way Labour government over there can say that the British people are quite capable of gambling responsibly and in addition the British government is setting up gambling rehabilitation funds looking after problem gamblers. Why can the British government do that over there but South Australians for some reason need to have the nanny state. What is more: not only do we have to have a nanny state here but also country people are somehow even more inferior in making their judgments about their own futures that they have to have regional caps; they have to have the social engineers come in and engineer their whole lifestyle; they have to get in the way of business; and they have to have the even more draconian threat on family businesses in the country than we already have here.

When we had the debate in this place on removing the cap on poker machines in South Australia, I was one of five brave souls that said we should get out of the way of business and allow the pubs and clubs to get on with their businesses and do what they need to do to run successful pubs and clubs. If it were not for poker machines, most of the clubs and pubs would be nowhere near as successful and providing the community feedback they are—the millions of dollars that go back into communities every day from pubs and clubs.

We do not need to be out there holding the hand of every South Australian. We have problem gamblers in South

Australia, but this government knows that this bill will not do anything for problem gamblers. It needs to put back into helping problem gamblers some of the $1 million plus that it gets each and every day in gambling taxes that go into the state coffers. There are problem gamblers, but this bill will not solve that problem. By interfering and social engineering in this way, we are doing an absolute disservice not only to the people of South Australia but also to the businesses and clubs that are supporting the people of this state.

The CHAIRMAN: I remind members not to go down the path of repetition.

Mr RAU: I have given some thought to this proposal and it has some sort of superficial attraction to me because, in line with a number of other amendments, the proposal appears to be consistent. The problem is that the consistency is all in one direction, namely, to increase the number of machines in effect from that prescribed in the bill as it stands presently and to increase them in this case in areas where the regional cap would otherwise be applied.

It is my understanding that the regional cap was a concept determined by reference to communities and their wish not to become a place where there is intensive exploitation of people by these machines. I understand also that, if all these amendments were to be successful, there would be other flow-on effects that would require perhaps further amendments in order to remove ambiguities and oddities created by the removal of these provisions.

It seems that as a matter of principle the harm minimisation objective, which I understand is behind the bill, coming back to a reduction in the number of machines and a reduction in venues, is best served by this clause passing in the form presented to the parliament by the minister. For that reason, I support the original version of the bill on this clause and not the amendment.

Mr HAMILTON-SMITH: I support the amendment simply because it makes sense. The first part of the amendment to insert, after clause 5, a new clause 5A talks about the financial viability of the gaming machine industry and its protection. The authority of the Commissioner in exercising administrative powers and discretion under this act and any other legislation must act to ensure that the financial viability of the gaming machine industry is not prejudiced. It strikes at the very heart of this silly bill.

We made a decision back in 1993, at the behest of a Labor member, predominantly supported by Labor members, that gaming would be allowed. How can we possibly pass this new bill without some provision to ensure that the financial viability of the gaming industry is not prejudiced? If it is our objective to fatally damage this industry, why then would not members who feel that view come in with some sort of bill to repeal the 1993 act which enabled gaming? Of course no-one wants that, as it would be nonsensical. I support that provision.

Similarly, amendment No. 2 by my friend and colleague, the member for Morialta, to clause 12 deals with this silly intervention into the market in regard to regional caps: we will intervene in the market to mess up the viability of gaming in particular regions in the hope of achieving some outcome or another. I can only say that the less intervention in this marketplace the better it will be. The less regulation of gaming venues the better. If the government's aim is to reduce the number of machines by 3 000, why must it be accompanied by a massive intervention which will have an array of financial consequences, many of which are unintended and unforeseen? Why do that? It does not make sense. Let us remove subclauses (6), (7) and (8).

The third part of the amendment to clause 17 deals with licensees who suffer a loss and addresses the issue of compensation. We have granted a right to someone and what amounts in effect to a property right—which has been in place since 1993 in tangible and realistic terms. We have passed legislation, issued some licences and enabled people to generate an income and, on the basis of that, to borrow and buy into businesses based on known revenues by granting them a right to trade. We can argue about the legalese of whether or not it is a property right, but in essence we have enabled people to create a business. We are then taking away a part of that business without offering any form of compensation.

We know that the government feels weak on this issue because it has seen fit to introduce a complicated system of trading so as to ensure that the more wealthy venues will subsidise the less wealthy venues as they give up machines. The government clearly recognises the need for some financial compensation, but wants to get out of the responsibility for that by this complicated system of tradability. I support that because, if we have the silly nonsense of the 3 000 cap, it will not be sustainable unless you have either compensation or some system of tradability. I am happy to revisit that.

An honourable member interjecting:

Mr HAMILTON-SMITH: Well, I am happy to revisit that if the government will consider compensation. If the government will consider compensation, I am happy to revisit the issue of tradability. Perhaps it will not be necessary. We know that what we have is a complicated mishmash of nonsense that all flows from the desire to be seen to be doing something with the 3 000 cut, which we know will not work. Each of these provisions in the amendment, I think, are worthy of support.

Mr KOUTSANTONIS: I will not bluster. I know that Tom Richardson thinks that I bluster, but I will not. I have a concern about the original cap. I do not want to reflect on a previous vote of the committee, but because members in this committee have exempted clubs from a reduction, in terms of fairness I think we have said to hotels that problem gambling does not occur in clubs: it occurs only in pubs. Those members who voted to exempt clubs from a reduction should take a long, hard look at themselves and the unfair business practice that we are now putting in place.

I am inclined to agree with the member for Enfield, but I must say that I think the idea of there being a club and a pub next to each other, where one is reduced to 32 machines and one can stay at 40, is very rich. I do not understand members who say that pokie venues with 40 machines have problem gamblers but at the same time vote to exempt clubs from any reduction because of the so-called benefit to the community. I do not understand their reasoning. I do not care whether it is a club, a charity or a hotel: if 40 poker machines are geared up to maximise their revenues, problem gamblers will use those venues; and to exempt one of the two organisations that deliver the same outcome in terms of problem gambling (maybe different outcomes) into the community is a bit rich. I do not think I can support any measure that allows the number of machines in regional pubs to be decreased and for those in clubs not to be.

The Hon. M.J. WRIGHT: I will make a brief contribution. The Provisional Cities Association commissioned a report from the South Australian Centre for Economic

Studies, which showed that provincial cities had a higher density of machines, a higher prevalence of problem gambling and higher expenditure per capita. The current density of gaming machines is 20.6 machines per 1 000 adults in provincial cities compared to 13.3 machines per 1 000 adults state wide. The Provincial Cities Association has asked the IGA to put a cap in place, and the IGA has recommended just that.

What is before us is something which not only has been recommended by the IGA but also was put to the IGA by the Provincial Cities Association. That association called for a cap in its areas. The IGA recommended that the bill include powers to apply restrictions, and that provincial cities caps was an appropriate power to put in place. Consistent with that view, it is proposed to apply regional caps to the state's provincial cities so that gaming machine entitlements would not be able to be transferred into those local government areas until the density of gaming machines per 1 000 falls below 11 (the state average) following the reduction in machine numbers.

Venues in these cities would remain able to sell machine entitlements if they wished. There are provisions for caps and regional restrictions in New South Wales, Queensland and Victoria. We are not proposing something that does not exist in other states, nor are we proposing something that has not been thought through. It has been canvassed and put forward by the Provincial Cities Association. The government has decided that this is backed by evidence to the Provincial Cities Association. Why would the government not support it?

Backed by research and supported by evidence, the Provincial Cities Association has been able to demonstrate that its provincial cities have a higher number of gaming machines per capita (and, in some cases, much higher than exists in other places), and it has called for this cap to be put in place. A fairly simple case has been put forward by the Provincial Cities Association which has then been recommended by the IGA and which I have brought before the parliament.

Members might also be aware that at some time earlier in the week the Gambling Task Force has, as I understand it, brought forward a briefing to members of parliament. The task force has asked us to consider its briefing very carefully. Under the subheading, 'regional caps', the briefing from the South Australian Heads of Christian Churches Gambling Task Force states:

> This element is integral to the intent of the legislation and starts to redress the current imbalance where some regions have up to 2½ times the machine density of the state average. High machine densities also lead to increased levels of problem gambling.

It is a fairly simple proposal. Members can consider it in their wisdom but, I repeat: this has been brought forward as a result of what has been sought by the Provincial Cities Association, and it has done so after doing the research and hearing the evidence, which is compelling. The member for Morialta talks about a simple amendment, which she has brought forward. Perhaps it is. I expect that the honourable member does not appreciate that there is a consequence to her amendment. It may well be unintended. I hope that she listens to this because it is central to the debate.

I am sure that the shadow minister would not support this. If the Hall amendment is successful, I foreshadow that I will bring forward a subsequent amendment. If the Hall amendment is successful it deals away the three kilometre location rule for hotels. I remind people of that because this was something that the parliament felt strongly about some time ago. If this provision were to be removed, as has been recommended by the Hall amendment, hotels could potentially redistribute to low density venue areas, whether in the northern or southern suburbs, or whether it be from country to city or vice versa.

That restriction was specifically introduced by the parliament in response to a proposal by the Whyalla Hotel to shift its licence to Angle Vale. That provision should be retained, and I expect that all members, if the Hall amendment is successful, will support my subsequent amendment, because I know that the parliament felt very strongly about it previously. I will speak again about it if the Hall amendment is successful. By removing proposed new section 27E, subsections (6), (7) and (8), which provide for regulations to restrict movement of entitlements, the Hall amendment, if it is successful, dispenses with that three kilometre rule in respect of hotels.

For a range of reasons that I have outlined to the committee, I support the cap for provincial cities. I support it because it has been brought forward by the Provincial Cities Association as a result of research that it has undertaken, backed by strong statistical evidence that it has supplied to the IGA, and the IGA has supported that research and the request of the Provincial Cities Association to do something significant about problem gambling in those provincial cities.

Mr MEIER: I have had to weigh up this amendment one way or the other. On the one hand, I do not want regional areas to be discriminated against but, on the other hand, I am well aware that the crux of this legislation is to seek to reduce problem gambling. If we are going to seek to reduce problem gambling, I cannot support this amendment, even though I appreciate what the honourable member is seeking to achieve, namely, some sort of equity between country and city. As I have said before in my second reading contribution, I do not believe that this will do anything for problem gamblers, and I believe that the so-called pokie barons will get back to 40 machines fairly quickly. I was very disappointed that the transferability of amendments were lost in this house; in other words, transferability is allowed. I noticed here that the proposed new subsection (7) that the honourable member for Morialta seeks to delete provides:

> The principles may—
>
> (a) restrict or prohibit the introduction of gaming machines, or more gaming machines, into a particular region or locality or into licensed premises of a particular class;

Does the minister believe that, in a locality such as the Copper Coast, a town such as Paskeville which does not have any poker machines is regarded as part of a particular region, namely Kadina, which has quite a few hotels that have poker machines? Therefore, if Paskeville applied to have poker machines, and was able to afford those poker machines, under this clause, even if the region had an excessive number of poker machines, would they be allowed to have those machines?

The Hon. M.J. Wright: It is just the provincial cities.

Mr MEIER: The minister has indicated by way of interjection that it is just for the provincial cities. Yet, the way I read this is that the principles relate to region or locality. I therefore wonder whether, if Paskeville sought to have poker machines, it would be prohibited, because the region encompassed Paskeville, even though it included Kadina, which may or may not have excessive poker machines. I do not really know.

Mr RAU: If the position of a number of members here is that they are persuaded but for the provision being moved by the member for Morialta, because there would be an inequality between hotels and clubs in the regional areas where the cap is intended to apply, there are two possible solutions to that problem. The member for Morialta has picked one of them, which is to remove the cap for the hotels so that they are uncapped in the same way as the clubs. But there is another alternative which would be even better for the problem gambling issue and which would be to say that, in the regional areas where there is the cap for pubs, there should be a cap for clubs. That is the obvious way to solve that problem of the inequality.

Mr Brokenshire: Can you say that again?

Mr RAU: The obvious way to solve the problem of inequality, if the argument is that it is unfair because the hotels have a cap in these regional areas but the clubs do not, and you are saying that you should remove the cap so that there is an even playing field between the pubs and clubs, there are two ways you can achieve that. One is for neither of them to be capped and the other way is for both of them to be capped.

There is another amendment which is more consistent with reducing problem gambling, more consistent with reducing the problem in regional areas and equally consistent with the equality proposition which is to say that, to the extent that you have a cap, it applies to everybody. If that was being put forward, I think it would have more merit, because it would be closer to the mark in terms of reducing the burden as has been requested by those regional communities. They are the people about whom I am concerned.

The Hon. K.A. MAYWALD: I rise to contribute to this clause in respect of provincial cities or regional caps, whatever the terminology may be. A position has been put forward by the Provincial Cities Association that supports a reduction in numbers per capita of poker machines in country areas. The concern I have with the proposal put forward is that, whilst it is based on population, it does not consider the tourism population in those townships, and the opportunity for regional communities to utilise the fact that they have good facilities for people to come and enjoy the meals and hospitality of country hotels and have a little flutter (rather than be problem gamblers) as part of their tourism attraction. To base the whole premise of caps in regional cities on a per capita basis is quite at odds with the rest of the legislation, because we do not do that in the city—we do not say to people in the city that we are going to look at how many people live in their region and then apply the number of poker machines to how many they have there.

So, whilst I understand the intent of the provincial cities motion and the submission that was put forward, I question whether it is going to achieve what they hope it will achieve, particularly in light of this place's acceptance of the amendment for exemption for clubs. By exempting clubs (and there are a number of clubs out in the regions) we provide a double whammy to the hotels in the regions—not only are we going to take machines away from them, we are also going to put regional caps in place that will result in more machines being taken away from them. That is at odds with what we are doing with the rest of the state. Whilst provincial cities had the best intentions when they put up the proposition to introduce the regional caps provision, I do not believe that they had considered all the elements, aspects and unintended consequences of this provision. I think it will have a significantly detrimental impact upon country pubs, particularly now that we have exempted clubs from the provisions, and I think it is most important that this house considers that—because country pubs will not only have one hit, they will get two hits if we move this motion.

Country pubs are at a disadvantage, anyway, because they do not have the capacity of the major metropolitan hotels or the organisations that own multiple hotels to purchase machines back or go into the marketplace and purchase machines, and I think it is incredibly important that we recognise that. Whilst we understand that the provincial cities motion was introduced with the best intentions, it does not achieve the end that they had in mind—that is, to reduce problem gambling. We also need to realise that in the provincial cities motion the Riverland is actually part of the provincial cities group—they are the Riverland as a whole, the three councils. The Riverland Forum is one of the provincial city organisations that is represented on that body, and the councils within the Riverland region do not support this motion because of the importance of tourism and the importance of ensuring that communities, and country hotels within our communities, remain viable.

Through negotiations I have had with the minister, I understand that he has suggested that regions that can put forward a case will be exempt, and that the Riverland would most likely be a region that would be exempt. I think it is important to note that it is not about exemptions—it is about whether the principle behind this is correct in the first place. I do not believe it is, and I do not think we should support this amendment—either as it currently stands or, indeed, in any shape or form. Regional caps should not apply, particularly given the fact that clubs have now been exempted.

Mr BROKENSHIRE: I urgently need a point of clarification from the minister in view of what I think the member for Chaffey just said—and that is that you, as minister, have advised her that if a region actually applies they can have an exemption. I have never heard of that before and I have not seen that in the bill, and I find it astonishing if that is the case. It makes a farce of the whole of this legislation. If that is indeed correct—

The Hon. R.J. McEwen: Read it! It is in there!

Mr BROKENSHIRE: I have read most of it and I have not heard that, and I want a clarification because it makes it a joke! Just like you as a Labor minister!

The CHAIRMAN: Order! The member for Mawson and—

Members interjecting:

The CHAIRMAN: Order! The members for Chaffey and Mount Gambier will come to order.

Members interjecting:

The CHAIRMAN: Order! The member for Mount Gambier—

Members interjecting:

Mr BROKENSHIRE: Point of order: I won't accept those sort of comments across the chamber.

Members interjecting:

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

Mr Goldsworthy: Kick him out!

The CHAIRMAN: The one going out might be the member for Kavel. Members are enjoying themselves tonight and we do not want to spoil what is a great night. Just calm down. Members should not inflame the situation by making provocative remarks.

The Hon. R.J. McEWEN: I just want to support the comments made by the member for Chaffey. It would be

unconscionable now to support anything that brought in regional caps. The whole bill changed the minute we exempted clubs. We now have to, at least, shift the ground somewhat. I have had this discussion with the Mayor of Mount Gambier who was a supporter of the provincial cities motion but, once we brought in regional caps, he appreciated that that whole debate was null and void. We need to appeal to people tonight to say that with regional caps it is no longer on, it is no longer a valid proposition. We have given a preferential treatment to clubs and we now have to balance the ledger in relation to everyone else.

Going back to the comments that were made opposite in relation to whether you get exempt areas, I am not interested in exempt areas. If the member had read it he would have seen that you can exempt areas. I am simply saying that that is not on. We do not want exemptions—we now simply want a situation where there are no regional caps, period.

Mr BROKENSHIRE: I have asked for a point of clarification because I think it is important and, while it did stir me a bit, if the member for Mount Gambier is right about the opportunity for exemption—and I acknowledge I may have missed that one point, but I did read the bill, and I have had a lot on my plate—

Members interjecting:

The CHAIRMAN: Order!

Mr BROKENSHIRE: It is alright, Mr Chairman, because we have seen that ministers on the other side have been caught out time after time not reading anything.

The CHAIRMAN: Order!

Mr BROKENSHIRE: I ask the minister to explain to the committee—because I was going to support the minister's clause—how you can ask this committee, given everything that has been said and debated here now with the member for Morialta's amendment, now to support your clause based on what has just been now made clear to all members, because it has changed my thought patterns on supporting your clause, and I ask for some comment.

Ms BREUER: I am going to support the member's amendment, although it is very painful for me to have to do this because I come from a regional city. I do not think that my city of Whyalla is particularly affected by the removal of machines because of the number of machines we have in our city; it is not going to be a major issue. But I am a member of a regional city and I originally intended to support the cap on the regions. On Monday night, I am afraid that I got very angry in this place, and I apologise for my behaviour, because I do not think it was really what I should have done, but I was extremely angry with the behaviour in this place, and I am still extremely angry with the behaviour in this place. In fact, last night I stayed out of here as much as I could so that I did not angry yet again. I was angry with the behaviour, with what was happening in this place by the members opposite, particularly.

Originally, I did not feel much enthusiasm for this bill. I thought, as I have heard quoted over and over again, that this is not going to affect problem gambling. That was my original thought. However, over the last few weeks with the amount of lobbying that I have had from various quarters I started to think, 'Well maybe this is going to make a difference, because why would we have so much lobbying if it was not going to affect the issue of gambling in this state, particularly with the lobbying by the hotels in my area, and in other areas?' I thought, 'All this is obviously going to make a difference to them.' So, we have had people sitting in here with us until 3.30 in the morning the other night and they were back again last night and they are back again tonight. So, obviously, there is an issue there. I do not think that I have ever seen so much lobbying on a particular issue as we have on this one.

I have great sympathy for the local hotels in my area, and it was not that I was out to get my hotels, because I know that people originally took great risks in my region to get pokies into their hotels. They were just business people, they were just locals, they took risks to get machines into their hotels, and they were great risks that they took; they spent a lot of money. I am very pleased they have been able to get results from these. So, I do not particularly want to have a go at my hotels, because I think they have done a wonderful job. I did not support the club legislation, and allowing them to be exempted, because I believed that it was all or none. I do not think they had any particular right to be exempted from it, when I know that I have got small hotels who took risks, who have put a lot of work into this, and who are reaping the benefits, but that is good. Why should we put one little area aside and say that it is okay for them to keep theirs.

So I thought, 'I am not going to support the clubs, but I will support a cap in my region,' principally because the provincial cities said that they wanted this, and I know that the other major cities are having some major problems with their machines, and so, okay, I will support the cap. Now I cannot do it. We cannot do that double whammy on the local hotels. There are some very big hoteliers, there are some very big hotels that have a huge number of machines etc., but the great majority in my electorate are small places that have a number of machines, and are doing very well, but they have had to work hard to get there, and good on them for doing so.

I am sick to death of hearing people from the other side in this place, insisting on talking three times on every clause to make a point. It is just ridiculous, and I have great sympathy for the member for Stuart, my next-door neighbour, who also sees through this and says that what is going on is just ridiculous. This is just ridiculous, making points. I was really angry the other night when I heard the member for Waite imply that many of us were making statements because we hoped to get something out of this, and he implied that we were expecting donations from the hoteliers.

The CHAIRMAN: Order! The member is straying from the amendment.

Ms BREUER: I have never had a cent from a hotelier in my campaigns, nor do I ever expect to, but to imply that, I thought was just completely off, and it is the red herrings that have been thrown into this discussion as we go along, the ridiculous carry on, with people repeating themselves over and over again. I think that by removing the 3 000 machines we are sending a message out to our communities. We are sending a message out to South Australia that there is a problem out there, and we know that there is a major problem. I know in Coober Pedy—

The CHAIRMAN: Order! Speak to the amendment.

Ms BREUER: —there is a major problem. There are two places there that have machines. People in the town have said to me over and over again that the biggest problem they have there now are the pokie machines. I know in Cadney Park, a tiny little community in the north of South Australia, I have seen people queuing up there to go into the machines. There is a sign on the wall that says you must wear shoes when you go in and play the poker machines, and I have seen them standing at the door and changing shoes to go in to Cadney Park to play the pokies, and they are spending their money in these pokies. So, we do have a major problem in South

Australia. By taking the 3 000 machines out, I think that we send a message out to communities that we need to send out, but I do not want to see the provincial cities, the regional cities, the hotels in those areas, being double whammied. Now that we have removed the clubs they are being double whammied. They are being asked to make a greater sacrifice than other communities, therefore I must support this amendment.

The Hon. M.J. WRIGHT: I think it is only fair that I quickly answer the member for Mawson's question, because, in fairness to him, he did ask it to me a couple of times. There is a simple answer: the Provincial Cities Association acknowledged that the Riverland were not a part of their claim.

The committee divided on the amendment:

AYES (27)

Breuer, L.R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Ciccarello, V.	Conlon, P.F.
Geraghty, R.K.	Hall, J. L. (teller)
Hamilton-Smith, M. L. J.	Hanna, K.
Hill, J.D.	Kerin, R. G.
Key, S.W.	Kotz, D. C.
Koutsantonis, A.	Lomax-Smith, J.D.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	O'Brien, M.F.
Penfold, E. M.	Rankine, J.M.
Redmond, I. M.	Stevens, L.
Thompson, M.G.	White, P.L.
Williams, M. R.	

NOES (14)

Atkinson, M. J.	Caica, P.
Chapman, V.A.	Foley, K. O.
Goldsworthy, R.M.	Gunn, G.M.
Lewis, I. P.	Matthew, W.A.
Meier, E.J.	Rau, J. R.
Scalzi, G.	Snelling, J. J.
Weatherill, J. W.	Wright, M. J. (teller)

Majority of 13 for the ayes.

Amendment thus carried.

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

Page 10, after line 40—
New section 27E(5)—after paragraph (b) insert:
(c) premises A and premises B are in the same locality (but this requirement does not apply where the licensee is a non-profit association).

As I foreshadowed, this amendment relates to the locality restriction. I suspect that member for Morialta was not aware of this having the consequence that it does, although she can speak for herself. As I indicated, the provision to make regulations to apply provincial city caps also enabled the government to retain the restriction on hotels not being able to move outside their existing locality, that is, roughly the three kilometre radius.

That restriction was specifically introduced by the parliament in July 2002 in response to a proposal by the Whyalla Hotel to shift its licence to Angle Vale. If the regulation-making provision in the bill is removed without reinstating the locality rule, hotels could potentially relocate to anywhere across the state, including northern and southern suburbs. Maintaining the provision would ensure that the parliament's intentions are kept in place, that is, that hotel gaming operations could not be relocated. All transfers of gaming machine entitlements by hotels outside their locality will need to occur through the entitlement trading system. The provision to restrict gaming machine licences to their current locality should be maintained.

As I foreshadowed, this is specific to the locality restriction. With my amendment, I am seeking to put that provision back into the legislation. As members would be well aware, it applies only to hotels. It is something that parliament moved in July 2002. It is my recollection that the parliament felt very strongly about it at the time and I would expect that still to be the case, and I hope that members have that view. I think that is very important. As I said, I would be interested to hear the member for Morialta's response. I expect that she may not have been aware that her amendment, which has now been successful, has that consequence. I would ask the committee to remedy that unintended consequence through this amendment.

Mr BROKENSHIRE: I hear what the minister is saying. For the reasons that became obvious once I was reminded of the potential exemption for the provincial city area of the Riverland, I supported the amendment of the member for Morialta because it was then in my opinion an absolute farce to exclude certain provincial cities. I understand what the minister is trying to do here and I will be supporting the minister.

However, it might be worth while for the minister to make a brief explanation as to the provisions in the bill with respect to potential greenfield site requirements down the track and how he envisages that will work. I would not want members not to support the minister's amendment now because they might see it as a way of getting machines into a greenfield site when there is future subdivision in the metropolitan area. Rather than have them thinking this is a way of getting that organised, if they are concerned that there is no potential down the track for a greenfield site, I ask the minister to respond to the committee on that point. I ask members to support the minister's amendment, given the importance of the Whyalla-Angle Vale situation. I will be supporting his amendment.

The Hon. R.J. McEWEN: I fully support what the member for Mawson just said. I want the minister to clarify that this does no more and no less than restore the provision in the original act, which has been an unintended consequence of supporting the last amendment. I want reassurance from the minister that it does no more and no less than restore the original provision.

The Hon. M.J. WRIGHT: I will deal with the member for Mount Gambier's question first. For hotels, this will be exactly the same, but not for clubs, as the honourable member would appreciate. In regard to the shadow minister's earlier question (and I apologise for not answering it straightaway), a person can apply for a gaming machine licence and apply the new social impact test and purchase entitlements, so that will enable greenfield site developments.

Mrs HALL: I seek clarification from the minister. I heard him respond to the member for Mount Gambier saying that the unintended consequence was that it wiped out the whole section from the principal act, but which section is going back into the legislation? The minister's amendment seeks to insert new section 27E(5) after paragraph (b), which means it follows these words:

(a) the licensee has surrendered the gaming machine licence held in respect of premises A; and
(b) the licensee's liquor licence has been removed from premises A to premises B.

The amendment as tabled by the minister states:

(c) premises A and premises B are in the same locality (but this requirement does not apply where the licensee is a non-profit association).

I just wonder whether the minister can clarify that. Also, when the minister is answering that question, could he please ask about community-based hotels?

The Hon. M.J. WRIGHT: I thank the member for Morialta. What we are keeping is section 14A(2)(b)(i) from the principal act. In regard to your second question, they are treated as clubs.

Mr HANNA: I want to make sure that, for example, the Muckinup Pub in the Flinders Ranges cannot relocate to a high turnover area in the northern or southern suburbs. That is the intention of the amendment, I take it?

The Hon. M.J. WRIGHT: Yes.

Mr HANNA: If I can add another separate issue while I am on my feet: it relates to the minister's rejection of the previous amendment, which passed, but I think it is still related to what the minister is trying to do here. If the minister had specific ideas about where there should be greater limitations on the trading or increase in numbers of machines in particular areas, why was that not specified in the bill; in other words, why was that previous amendment necessary?

The member for Morialta might say it was necessary, because the principles were expressed in such general terms that it had to be knocked out. Indeed, I had sympathy with that view. If the minister does have some more specific principles, which indeed might be appealing to someone of my inclinations, then is there scope for bringing in not only the minister's current amendment but also some additional amendment to cope with the perceived problem in the country?

The Hon. M.J. WRIGHT: I thank the member for Mitchell for his two questions. The simple answer to the first one is yes, it is exactly the way he described it. The answer to his second question is that the IGA recommended in broad terms that there should be flexibility to take account of what might happen with trends and what might happen over time.

Pre the successful amendment of the member for Morialta, we were going to bring in regulations that applied to the provincial cities as a result of the request that they had made to the IGA. I guess it is a bit pyrrhic to speak about it because it is now out of the bill. Whether there ever would have been other regulations brought forward, I guess, is a bit academic.

The Hon. I.P. LEWIS: Madam Chair, whatever happens, when I reflect upon the sincerity with which honourable members spoke last night about the necessity—those of whom who supported it—for small country hotels to be maintained in those communities which they serve, being less populous communities, because they argued it was the centre of that community, I would say to all of them: it is very important not to allow the relocation of licences away from those places. Anyone who was in sympathy with the proposition being put by the member for Schubert would surely have to support the proposition here to maintain small country hotels in their current locations.

I am not arguing for the benefit of gamblers and those who have a propensity to gamble for that purpose, but rather for the benefit of those people who wish to find the company of others in their local pub to be able to do so whether or not it has gaming machines. It is not because they will go there and get a skinful and get into trouble in the process when the local copper picks them up for driving under the influence, because that is not the purpose or the point of it. The public house is meant to provide a place at which people can meet and greet one another without either of them feeling that they are obliged to the other as the host. The public house licensee is the host, and whatever service you use, whatever you consume, you pay for. That is traditionally how we have kept our pubs going. I am sure my mother would be terrified if she knew I was speaking this way.

But I see a role for hotels in any community, particularly small sparsely populated communities. Any proposal which would allow them to be relocated away from those centres—for the sake of getting a profit greater than they can obtain in the country communities they serve—by re-establishing that licence in a more populous area regardless of its income level would result in a lose-lose situation, where the country community has lost and, in addition to the country community losing, the relocation to a low income area is improper. That is where they will go because that is where most dollars are to be earned through each of these infernal machines, although it is hardly earnings; they do not do any bloody thing.

It will further exacerbate the very problem we say we are addressing in this legislation by providing gainsay benefits to the purchasers and denying those small country communities their licensed premises, the place to which they can go to find others who have a like mind and seek company. Why on earth anyone would want to do anything other than prevent that from happening in this place is beyond me. So, I call on all those people who have a conscience, as well as those people whom I saw last night arguing for an increase in the number of licences that would be issued in total by allowing small country hotels that do not have them at present to get them, to vote for the proposition that small country hotels' licences cannot be relocated simply for the purpose of obtaining profit in the metropolitan area.

Amendment carried.

Mr CAICA: I move:

Page 11, after line 19—After new section 27 insert:

27F—Statement of Parliamentary intention with regard to gaming machine numbers

It is Parliament's intention to make no further reduction in gaming machine numbers (beyond the reduction resulting from the implementation of this Division) before 30 June 2014.

This amendment is to insert a clause that states parliament's intention to make no further reduction in gaming machine numbers for almost a 10-year period. I know full well that such an amendment is sure to be controversial, but I will put before the house a sound and hopefully very persuasive argument. It seems like only yesterday, but in fact it was two and a half years ago, that I made my very first Address in Reply contribution, and after the past few days it seems like a lifetime ago. In that Address in Reply debate, I informed the house that I was very much a proud trade unionist, that I had represented firefighters as a trade unionist and that through that involvement I had represented workers, and by coming to parliament one of my main aims (although not my sole aim) would be to protect the interests of workers and make sure that their interests were always considered by the house and my electors knew that when they voted for me.

This amendment is aimed at doing exactly that, namely, to ensure the security of what is a legitimate, legal and vibrant industry that employs many thousands of South Australians. It is an industry that provides employment opportunities now, and in the future will provide many more employment opportunities for many thousands of South Australians.

Everyone in this house knows that on numerous occasions I talk about the schools in my area and the involvement I have with them. Tomorrow night I will be at the Henley High School year 12 graduation. Interestingly, at that graduation there will be many students who will be seeking a future career in the hospitality industry. Many may well finish up in our world-class hospitality training colleague at Regency Park and TAFE. They know and realise that they are entering a vibrant industry that will provide them with much opportunity to gain employment not only in South Australia but, after completion of their courses, anywhere in the world.

I do not believe it is the intention of anyone in this house to destroy this industry. Members do not want to destroy a vital and vibrant South Australian industry. I know everyone is equally genuine in saying that they wish to put in measures that will minimise the harm being caused by gaming machines. If we expand that, not just gaming machines but to all aspects of the gambling industry, I remind the house that gaming or gambling by itself is not the industry. The industry is hospitality, of which gaming is a significant component.

We have heard that Mitsubishi employs thousands of people, but the result is that many thousands of South Australians are employed in those spin-off industries—and hospitality is exactly the same. Many people enjoy secure employment in the hospitality industry, and this amendment will ensure the future security of that industry and the future security of employment opportunities for many South Australians.

We are about to—and I am sure we will—remove 3 000 machines from the system: 20 per cent of gaming machines in this state will go. I support that for the reason that gaming machine reduction of such significance, not by itself but coupled with other initiatives and measures that will have an impact on problem gambling, will make a difference. Too many members in this house are looking at the 3 000 machines and saying that it will not make a difference. The fact is that it will. It will make even more of a difference when this house ensures that other initiatives are taken on board.

I will talk briefly about my background, and I will not take too much time. In my first Address in Reply contribution I informed the house that my mother and father met at the Ramsgate Hotel. I have a background in hotels. They managed that hotel and I lived there between the ages of six and 11. I sold newspapers at the Harveys Hotel, now the Henley Hotel. My first job was at the Ramsgate Hotel. I finished up being the assistant manager of the Grange Hotel, and I may well have finished up in the industry, except for some quirks of fate that resulted in my finishing up here.

I have seen many changes to the industry over that time, many of which have been controversial. I remember as a young child pressing the button to ensure that those who were still involved in the six o'clock swill left at around that time. I remember the introduction of Sunday trading and assisted the lawyers employed by the Grange Hotel to promote the argument of why the Grange Hotel was a tourist icon in order to have Sunday trading, and we saw that expand. We saw that expand. It was controversial at the time, just as 6 o'clock closing was.

I recall, as many members would (probably not very favourably), the rank exploitation of women by the industry. I appreciate and applaud the role that the union played in making sure that that stopped. I recall the pokie tours and the many thousands of South Australians travelling interstate to play poker machines. That was legitimately advertised at that time and, indeed, supported by many organisations. It was controversial at the time, but my point is that it had an impact on that industry.

It is safe to say that the hotel industry is not what it used to be and, to a great extent, that is my lament. I will use the Ramsgate Hotel, my hotel, as an example. It is not what it used to be. It is not the type of place where families gather. It is not the type of place where older gentlemen, who used to drink in the front bar, would be able to sit and have a drink. It is not the same hotel where those who drank from stemmed glasses would sit in the saloon bar. From my perspective, the Ramsgate has lost that family atmosphere.

But things move on, and we must be accepting of that. There were never TABs in hotels. If you wanted to have a bet you would have to leave the hotel, walk around the corner and have a bet. But the man who had the best looking wireless sitting in from of him in the saloon bar would quite often take a bet. He was the SP bookie. They are gone. Pubs have changed.

The Hon. I.P. Lewis interjecting:

Mr CAICA: If you happened to get the all-up bet on that occasion you might not see him for a week until he had enough money to pay you. The point is that hotels have changed. We have witnessed significant changes in the hotel industry over a long period of time. We have seen an evolution within the industry and, on numerous occasions, we have seen that industry's fight for survival in the aspects that I put before the committee a moment ago. The industry today is very secure and, in my view, that benefits this state because it offers employment opportunities to many young and not so young South Australians. It is important that that industry stays secure.

I have watched with interest the industry's PR exercise—the PR exercise that says that hoteliers are heroes. With due respect to hoteliers, they are not my heroes. They are employers, and there are good and bad employers within this industry, just as there are within any industry. In fact, my father (who died recently) managed a hotel. He was not my hero because he was a manager of a hotel: he was my hero because he was my father. He was not my hero because he had his name over the door of the Ramsgate Hotel. He was an employer, and I would like to think that he was a good employer.

But I do appreciate the industry for the employment that it provides, the future opportunities in employment it will provide and, obviously, the benefits that our community derives as a result of that industry. I could talk about my heroes for some time because they are many—the Meals on Wheels volunteers and family carers—but it ain't hoteliers! However, I do appreciate the industry and I do appreciate what it does for South Australians.

It is time for me to come out. I know that my friend the member for Enfield, in a roundabout way, came out last night, and it is my turn to do it tonight. What do I think of gaming machines? The fact is that I do not like them that much. I whack a few dollars through them every now and again. I find them on most occasions to be boring and antisocial. My friends say to me, 'Paul, come and have a drink.' I say, 'Yeah, I'll come and have a drink,' but where do they go? They go off and play machines or sit in front of the televisions and watch every horse race that is occurring in Australia at any point in time. I have no problem with that if that is what they want to do, but I lament the loss of pubs as I knew them. I am, however, accepting of that.

Times change, and you either choose to change with them or you do not. The point is that I do not want to get rid of gaming machines because of the benefits that arise from them and other forms of gambling to this state. The next logical question is—

Mr Rau interjecting:

Mr CAICA: Well, that will come. What are we going to do about it? I do not want to ban this form of legitimate gambling. I do not want to ban any form of legal gambling for the reasons I espouse but, as a member of parliament, what do I want to do? As a member of this community and as a member of this parliament representing the community, what do I want to do? I want, and I am sure that every member in this house wants, to minimise the harmful impact of problem gambling. I know that every member in this house wants to do that.

We need to walk down two avenues: first, we need to address the here and now, that is, to make sure that we address the problems associated with those people who cannot help but gamble; and, secondly, we must make sure that we implement measures that reduce the total number of problem gamblers in the future. That is the responsibility of this parliament. There is an adverse and unintended consequence of gaming, or of any form of gambling. Our responsibility is to those people who cannot help but gamble—those people who use their very last dollar to gamble.

Our responsibility is not to ban the machines they are playing; our responsibility is not to ban the horses they are betting on; our responsibility is not to ban the keno games they may be playing. Rather, our responsibility is to minimise and manage the impact of the industry. In my second reading contribution, I talked about the consequences of allowing people between the ages of 16 and 21 to drive. We know that the majority of fatalities occur within that age group, but we will not ban them from driving: we will manage the problem. We will not ban drinking. We know that drinking has unintended consequences—domestic violence and a whole host of issues. We know that smoking kills many people, but we will not ban smoking. Indeed, we know that—

The Hon. I.P. Lewis interjecting:

Mr CAICA: Well, many people die in Australia rock fishing. Are we going to ban rock fishing on the east coast? Maybe we should, but we will not do so. We will not ban any of these things. We will not advocate zero tolerance: we will manage the problem. Our responsibility is to manage those unintended consequences, and that is what we should do with gaming. It is a pastime that is enjoyed by many thousands of South Australians, such as my mother. God knows why she enjoys it, but she does and she is entitled to participate, just as many other thousands of South Australians enjoy it. We must help those who cannot help themselves—that is our responsibility.

During my research I had the opportunity to speak to another union. Indeed, I spoke to a lovely lady called Nance from the Women's Christian Temperance Union. We had a delightful conversation. I spoke to her about the attitudes of the union and, of course, it is zero tolerance. They want to ban anything that has a harmful effect on the family, individual or community; and that includes alcohol, gambling, and legal and illicit drugs. They want to ban them all. Although I do not agree with their view, I do respect it. The interesting thing that this house should be aware of is that Nance and the others in that union, while that is the position, play a significant role in their own way in advocating as best they can that people have to be aware of the consequences of what they participate in. That is why they advocate zero tolerance. They will still be part of a program and play a part that works towards minimising the consequences of those pastimes and activities that have harmful effects.

To conclude, I am not about destroying what is a vibrant, legitimate and legal industry. I believe that is the case with the majority of members in this house. As a parliament and a community we are responsible for implementing initiatives to minimise the harmful unintended consequences of all aspects of the gambling industry, not just gaming. We must ensure that, as a government, industry and community, we play a more prominent role in that we are actually serious about minimising the harm of problem gambling, whether that be machines, racing, Keno or X-lotto and that, as a parliament, we work with the industry, churches and other community organisations to minimise the harm but simultaneously recognise the benefits, continue to exploit the employment opportunities and focus on what should be our aim—to minimise the harm. We need to ensure that this industry and the workers employed in it are secure and that they have a future.

Mr Speaker (the member for Hammond) was right the other night recently: I actually agreed with him, as I do on numerous occasions. I hope I am quoting him correctly. He said, 'Can anyone in this chamber tell me with certainty that the number of poker machines that will be in existence in South Australia is the number precisely that will minimise the harm caused through problem gambling?' or words to that effect. No-one can. But to take the course of least resistance to continue to advocate further cuts simply means that we are not really serious as a parliament or a community, nor are we seriously committed to properly managing the consequences of the industry.

I believe that the government and the industry can do more to ensure that we do minimise the harm, and that is what we should be doing. Let the committee ensure that it provides certainty to the industry and, hence, certainty to the thousands employed within it. I urge honourable members to remain focused on the measures that are aimed at minimising the harm caused by problem gambling, while supporting this amendment—an amendment that is aimed at providing security and certainty to what is a legitimate, vibrant and legal industry.

Dr McFETRIDGE: I support this amendment. The member for Colton and I are one on this. This gives the industry certainty, and that is what the industry needs. My only concern is that once this bill goes through it will become law, real law. However, I am concerned that in the past we have seen the minister give a written undertaking to the industry and then do the doublecross. If this amendment gets up—and it should—it is a very sensible amendment. It does exactly what the member for Colton says: it gives the industry certainty.

There is nothing more destructive of an industry than raising concerns in the minds of the financing industry and giving a degree of uncertainty in any contract or in the conduct of any business. This amendment gives that certainty. We are trying to reduce problem gambling and, by giving the industry the opportunity to cope with the changes that have been forced upon it by this place, we need to make sure that we are not doing any harm. I support the amendment.

The Hon. R.J. McEWEN: In rising to support this amendment, I simply want to acknowledge the fact that, in setting about to debate the Gaming Machines (Miscellaneous) Amendment Bill, we have set out on a mission impossible.

In speaking to this in the second reading debate, I appealed to the house to leave this debate with two things. One was to take some corrective action, and the other was to leave the industry with some certainty. They are the only two things we could hope for. I believe that reducing the number of machines is the appropriate corrective action.

This amendment does the other thing we must do: we must now leave this industry with some certainty. To do any less would be totally and utterly irresponsible. We have done the best we can to unscramble the impossible. It was not of our making. I appeal to all members to leave this debate by taking the corrective action and leaving the certainty.

Mr BROKENSHIRE: In speaking to this clause, really what the member for Colton has put forward, in code to me, is that the bill ought to be pulled. What the member for Colton, by virtue of this clause, especially if it gets up, is saying is that it is just another example of the bill being fundamentally flawed. We all know that there is going to be very small improvement, if any, in the reduction of 3 000 machines. As I have said, if the government was serious about problem gambling, it would be looking at a total ban on all gaming machine advertising in the forms of media, a total ban on all external venue gaming signage, a complete overhaul of the delivery of the GRF services, the establishment of a new early intervention agency, a significant increase in the number of counsellors and venue liaison officers, and the appointment of a responsible gambling officer.

Relevant to this clause, I received today an email with which I was very impressed and which actually talked about a person who has been listening to this debate. The email was very open, honest and refreshing. This person has been involved in the area of problem gambling first-hand, and talked about the fact that there were benefits in things like down time, which we talked about last night. This person also talked about the fact that you have to look at addressing problems with newcomers and so on. Now, I am not going to go into that because I know I am not allowed to stray off the clause too much, but the points raised in the email could have seriously improved the issue of problem gambling without destroying an industry that employs 24 000 people. In other words, there were opportunities to have a win-win situation, but there is no absolute win-win with this now.

Had there been a cut of 7 000, 8 000 or 10 000 machines that may have had a significant impact on problem gambling. I know all the reasons why that is not the case, and we know there is going to be an increase in revenue of $65 million in tax over three years. The one thing in the IGA report that I did think made a bit of sense was that it actually said that if this cut proves to have little to no impact on problem gambling, then you would have to cut again. Now, I understand about certainty, but the whole bill is hypocritical, because it illustrates that the IGA was trying to appease the government's revenue position and to get a bit of a reduction in gambling numbers, but it was really saying, 'Hey, it's not enough, but maybe we can get the government to focus a bit, if it doesn't hurt too much, and we will have to review it in a year.'

I understand the hotel industry's position very clearly, and if I was a member of that industry I would be absolutely determined in fighting for this, but in my position as shadow minister I have to show some responsibility to problem gamblers. My position is different from what it would be if I was not a shadow minister, and that is the way it has to go. It is the same with the minister, because ministers also have a different position from those of other people when it comes to a conscience vote. But I just want to highlight that we have already seen the Premier do a double backflip on two key elements, and the whole thing just reinforces the joke around this bill.

We should not have been cutting machine numbers at all; we should have been adopting the other initiatives which the person who emailed me highlighted and which the AHA, in a responsible proposal, put to members of parliament. That would have actually solved the problem. I say all this because it highlights the absolute hypocrisy and the fact that this is more about media spin than anything else. But, as I said, and I hope that the industry will understand this: as shadow minister I have to try to help prevent problem gambling, so I cannot support a freeze for 10 years, as the member for Colton has put up. It is nonsensical.

Ms THOMPSON: I also rise to support the amendment moved by the member for Colton, although I recognise that some will find it a little strange that on the one hand many of us will be voting to remove 3 000 machines while at the same time saying, 'Do not remove any more for 10 years.' I want to explain this decision. In my view this reduction of machines by 3 000 in many ways corrects the cap that was introduced by the Olsen government. I voted against the cap, because it did not seem to me that it was going to do any good, and if you look at the numbers of machines in South Australia there is a very clear blip around the time of the foreshadowing of the cap. As we know, many hoteliers and club managers took out the available licences so that they would be protected in the event of a cap, and it just happens that the number of additional machines in this period seems to have been about 3 000. So, in many ways what we are doing here is correcting for the artificial intrusion on the market undertaken by the previous Olsen government.

However, I also know that many members of the public believe that there are too many machines and want to see something done about this. The information on problem gambling and its relationship with machines is, I believe, somewhat clouded. About this time last year I conducted a survey of all my constituents on a number of issues, and in this survey I offered them information on problem gambling. I also offered them information about saving money on their electricity accounts. I found that several hundred of them wanted the information about saving money on their electricity accounts, but only nine of them wanted information about problem gambling—and that is from about 15 000 households. I was surprised about this, because I thought I had done it in a very discreet manner so that people need not be embarrassed seeking this information, yet people seemed to be very reluctant to indicate that there was problem gambling in their household.

The IGA tells us that problem gambling will be reduced by getting rid of machines and venues. I find this argument somewhat difficult to follow even though, as I have said, I am going to vote for the removal of 3 000 machines. I think it is important that, in accepting this recommendation of the IGA, we say to them that any further measures they take to reduce problem gambling cannot be by virtue of the crude reduction of gaming machine numbers. The industry needs security, and that means the whole industry. It means the owners, the managers and, in my view, particularly the workers in the hotel industry. In my community I know that the hotel industry gives good jobs to many of the people who were severely bashed around by the brute force of industrial restructuring that took place in the early 1990s. Many of those

people felt that they were going to be on the scrap heap forever. They have good jobs in the hotels in my area.

Similarly, women with family responsibilities have found good work in the hotel industry in a way which enables them to combine their work and family responsibilities. In many other areas there are the hotels—and clubs to some extent, but mainly the hotels—that are major employers of young people seeking to combine work and study, and set themselves up for a good life in that way. All these workers need to be able to look forward to their future with confidence. They need to be able to take out loans, whether for cars, a house, or whatever, and they need to have some security about funding their children's future education, their sporting activities, their recreational activities and, indeed, first of all, paying their mortgage or their rent.

These people do not need to be wondering all the time when there is going to be further reductions in gaming machines and possible impacts on their jobs. We already know that there will be impacts on revenue and jobs in the hotel industry and the clubs industry as a result of the forthcoming measures banning smoking from gaming areas. I believe that what we have done with the banning of smoking in gaming areas is allow a planned, reasoned, reduction of smoking, and the evidence that we have from Victoria tells us that this will lead to a reduction in gambling as well. We do not know whether it is problem gamblers or recreational gamblers, each has their own opinion on that, and the last I knew there was not any firm evidence on it. But more people seem to believe that if people are addicted to cigarettes then they may well also be addicted to gaming. That is going to be an important measure in terms of reduction of problem gambling, we hope, but we do need not to rely on crude measures. We need to look at direct measures to deal with problem gambling.

In listening to many of the speakers over the last sessions on this topic you would believe that South Australia had a huge problem with gaming. Well, anyone who is spending money on gambling instead of on family needs causes a problem. However, according to a report prepared by KPMG for the Tasmanian Gaming Commission, South Australia, in fact, has the second lowest expenditure on gambling per capita in Australia. It is second to Western Australia. In Western Australia the figure is about $2 000 per year, in South Australia it is $6 300 per year, in New South Wales it is $10 800, and in Victoria $9 700.

The considerably higher level of gaming in New South Wales and Victoria does not seem to be in any way connected to the number of machines that they have in those areas. The IGA and Productivity Commission's view is that numbers of machines and numbers of venues related to problem gambling is difficult to follow from the experiences in New South Wales and Victoria, where, in fact, not all pubs have gaming. In Victoria, about half the pubs that have gaming machines, and in New South Wales, as we know, they are largely concentrated in clubs.

So, my message to the IGA is do not rely on crude measures like a reduction in the number of gaming machines. Allow the certainty of the industry. We recognise that if the measures introduced by the IGA are effective there will be some limit to the level of growth that has been experienced in the industry. For some time now the industry has experienced constant growth. That growth may not continue but it will at least be stable and provide the existing levels of employment etc.

I have been very impressed by the measures that have been taken recently, particularly by the casino in relation to the introduction of harm minimisation officers. The casino has now introduced positions such that very soon there will be a harm minimisation officer on the floor of the casino at all hours. The training and the duties of these officers is being determined in conjunction with people in what is loosely described as the concerned sector, but those organisations in the community that are committed to the reduction of the harm resulting from gaming. The harm minimisation officers at the casino will be able to approach people that either they have identified or other floor operators trained in recognising people who may be having a problem have identified. They will approach those people, invite them to withdraw to a separate area where they will be able to offer them a coffee, sit down, and put them in touch with the appropriate anti-gambling support groups. Similarly, the hotels have now employed a harm minimisation officer, and they are also investing in training of operatives and exploring other measures whereby there will be contacts in the region for people to support the hotel staff in identifying people at risk of problem gambling.

So, there are many strategies that can be undertaken to more directly address problem gambling. We recognise that individuals and families are affected by this but it is the people that have the problem. The machines do not sit there and grab people. It is people who have the problem, so there is a need for people to be identified and supported when they have problems with gambling. Those are, therefore, my reasons for supporting this exemption from a further reduction in the level of gaming machines for a period of 10 years. Let this industry that has had a lot of knocks over the last few years have a period of certainty but, at the same time, let us encourage the IGA to identify ways of really addressing problem gambling.

Mr RAU: Again, tonight we have heard the persuasive power of the member for Colton. I felt it as I sat in the chamber, and I felt myself being moved along. He is a very persuasive man, but I thought that there was only one way I could deal with this: I would have to go for something bigger and more powerful, so I reached for the *Bible*. This is the way I will find my way through this issue, so please pay attention. The Book of Genesis, chapter 1, verses 1 to 3, states:

> In the beginning God created the heaven and the earth.
>
> And the earth was without form, and void; and darkness *was* upon the face of the deep. And the Spirit of God moved upon the face of the waters,
>
> And God said, Let there be light: and there was light.

To use another biblical analogy, the 'light' in this case was brought forth in a form of a latter-day Moses, namely, Mr Howells and the IGA. They brought forth tablets upon which was carved a report and, in the fullness of time, that was enshrined in the legislation now before us. This is my inspiration and the only way I am able to resist the member for Colton. I am resorting to very heavy measures indeed but, in resisting him, I come to this important reckoning: first, they did come down from the mountain with Mr Howells; secondly, they are the tablets; thirdly, this is the basis of the legislation; and, fourthly, the recommendation is that we revisit this in 18 months' time and see how it is going. That is what it says; it is part of the tablets. You have not read all the tablets: look at them carefully.

Because I have such respect for these tablets, I do not wish to do something by way of an amendment that will interfere with the vision according to the IGA. I think it is important

that we embrace its vision and that we do not wait for 10 years but come back in 18 months and look at this, as recommended. I am sure that this is what the minister wants to see as well. We want to see the thing done according to Hoyle, or even higher individuals. The 10-year moratorium is an illusion—a very gentle and kind one, but an illusion nevertheless—because, as we all know, the parliament can change any law it makes. A future government may choose to change this law, and the so-called comfort given to the members of the hotel industry by this provision is utterly illusory, and they need to know that it is no comfort at all.

The only comfort for members of the hotel industry is that the rest of the bill, if it continues to proceed in its present form, entrenches them and their industry so deeply that I doubt whether anyone will fiddle with them ever again. That is the comfort they should derive. They do not need the member for Colton's persuasive modalities, and they do not need his amendment. The fact is that the bill in its present form does something marvellous: it entrenches these machines and turns a number of people who are doing reasonably well out of the hotel industry into people who are doing reasonably well to the power of two, because they have not only a reasonably productive outfit but they also gain capital through the transferability of these licences, and I will not go down that path again.

I return to my main points: first, this is against the recommendations of the IGA, which state that we should come back in 18 months. I think we need to respect the IGA for the reasons I read in this very important text. Secondly, a 10-year moratorium by any parliament is an illusion, because the parliament that succeeds it can change it or, indeed, this parliament can change it. Thirdly, the comfort for the hoteliers lies in the rest of the bill, because it entrenches their entitlements, and that should be sufficient.

Mr HANNA: I would also like to offer some constructive criticism for the benefit of the member for Colton and other members. I suggest that it would have been more appropriate to put forward this proposal as a press release because, first, it would make quite a catchy headline: 'No more pokie cuts for 10 years', and, secondly, it would be just as effective. As the member for Enfield points out, parliament can come back next week (if we were not so disturbed by the current ordeal), amend the legislation again and take out another three or 3 000 machines. It would be easier, certainly less time consuming and just as effective if the member for Colton were to issue this as a press release: he would still gain the advantage of whatever publicity and kudos he seeks to gain by moving the amendment. It is meaningless, and I oppose it.

The Hon. I.P. LEWIS: I seldom seek to regale the chamber with my own views of these matters—and I hear the gales coming! Notwithstanding that, I am driven to do so in order to caution some measure of reasonable consideration in the public interest. Everybody who has spoken on this matter, bar my learned friend from Mitchell, has advocated support for the proposition.

Mr Brokenshire: No, sir; I did not.

The Hon. I.P. LEWIS: Then I am heartened to hear it. It is true that a friend—yours, mine and the public's—Mr Stephen Howells, from the IGA, carefully considered all the material that was put to the inquiry and came to us with a recommendation that we should revisit it in 18 months. That is after very wide consultation. Somewhere, someone thinks they know better than the careful contemplation of a very wide process of consultation. Let me put it in even simpler terms: if you want the people to have a say, you give them the chance. They have done that and they gave it to somebody who was independent, especially, if it needs to be stated, on this issue more than any other, and the recommendation is: 'Folks in the parliament, take a look at this again in 15 months and see if it is working.'

One thing is for sure. If the amendment succeeds in passing, it is my proposal that it should pass finally into law with a further amendment to it and I will move that accordingly. That amendment is that the proposition to freeze the number of poker machines in South Australia for 10 years with no further reductions be put to a referendum at the next state election. I therefore move to amend the member for Colton's amendment as follows:

New section 27F—After its present contents (now to be designated as subsection (1)) insert:

(2) This section is not to come into operation unless a majority of those voting at a referendum of the electors for the House of Assembly vote in favour of it.

Everyone and anyone in this place who says they understand public opinion I am sure would agree with me that the best way to discover if indeed that is true is to put it to referendum before it becomes part of the law, then we will know what the public thinks. I will bet you a penny to a quid—and I am not often a gambling man—and I will give you odds of 240:1 that the referendum will vote it down. That is why I guess my amendment, should it become necessary, will not succeed, because there are people who are pushing a barrow that the general public do not support but who want that barrow nonetheless to get across the line.

One way or another, it is not the way to fix anything. I heard remarks from some honourable members, I think the member for Reynell in particular, about revisiting the number of machines with a view to further reducing it. I do not know how we are going to do that because we have given the people who have the machines the right to own them in perpetuity. They are not being retired on a regular basis and repurchased by those people who are willing to pay most for them and provide, in the process, money to the public purse. We have given them in perpetuity so how we will ever be able to reduce them any time in the future is beyond me. Notwithstanding that, I am saying that we still will need to find a way of reducing them if the problem continues to get worse.

The member for Reynell put the proposition to us that we must not reduce them for a further 10 years because people need certainty, those who work in hotels will not be able to pay the school fees of their children, they will not be able to buy shoes for themselves or their spouse, they will not be able to pay their rates and taxes because they will not have their jobs in the hotels, that if we reduce the number of machines in hotels jobs will be lost. All that may be true—I doubt it—but even if it were true it would simply take the discretionary consumption expenditure that is otherwise forgone in the hotel and return it whence it came before we had poker machines to those other things that people buy, whether that is brighter coloured shirts, more frequent haircuts or better seats at the footy, the Adelaide Symphony Orchestra's performances, pop concerts or anything else. It does not matter a fig. That is where the money came from that now goes through poker machines and it will go back there if the number of machines is reduced to the point where less money is invested—ho, ho, what a name, what a word—or spent through them. There is no investment at all.

Everyone who owns those machines knows very well that, once the dollars are taken from the pocket, they stay in the machine. They keep recharging the machine in the mistaken belief that they will get more next time round until all the dollars are gone, even if they win some. The vast majority of people simply put it back into the machine and press the button again until it is all gone. It will not really reduce the number of jobs at all, and people will be able to pay their school fees, buy a new pair of socks, get their hair cut and feed their children before they go to school in the morning. Indeed, more people—those who depend on problem gamblers—will be able to do that, too, because we are aiming to reduce the welfare consequences of excessive expenditure in gambling through poker machines by reducing the number of them.

If it is not valid to reduce the number of machines as a means of reducing the gross expenditure, then it is not valid to reduce the speed limit and it is not valid to take away guns. It is people who kill people, not guns, in the same way as it is people who are problem gamblers, not the poker machines. It is argued that, if you reduce the number of guns, you will reduce the number of murders committed with guns. I say to those people who have supported such a proposition, including the member for Reynell and the member for Colton, that if you reduce the number of poker machines you will reduce the number of problem gamblers by the same logic.

Equally, I have heard people saying now that we must not ban smoking. We have already made it more difficult for people to get cigarettes simply because we know bloody well that the more they smoke in the general population, the greater will be the number of deaths and the number of serious illnesses and the number of problems that accrue from it. When it comes time to have some surgery on your big toe or your knee, if you are a smoker your chances of having problems in surgery are very much greater. The anaesthetists simply do not like it, and some of them will not provide the service if they are asked to be the anaesthetist for a heavy smoker.

My plea then is to simply be rational about these things and give the people the chance to have a say. If you want to establish that there should not be any further reduction in the machines for 10 years and if you believe that you are here representing the public interest, then I say to all honourable members: equally support my proposition that you should not presume to know what the public thinks; let us put it to referendum at the next state election. If the public agree, then of course we will keep the machines at the present number for 10 years. And if they say no, then clearly—the beauty about my proposition is that it comes in 17 months time, not 18 months. The people will say, 'We won't have to rely upon either Mr Stephen Howells' widely arranged consultations and we won't have to rely upon the biblical entreaties that were brought to our attention as the basis for rational consideration of these matters by the member for Enfield, we will be able to rely upon the public's—

Mr Brindal: I am sorry, I missed that little bit.

The Hon. I.P. LEWIS: The honourable member for Unley often misses illuminating comments, and in this instance he has certainly missed the illuminating remarks from the member for Enfield, who referred us all to what divine providence did in the process of Creation when he said, 'Let there be light'—and there was: because the cloud cover was reduced in consequence of precipitation as the earth cooled. I find the whole thing allegorically interesting but factually and sequentially very accurate. Genesis is not fiction.

In any event, the proposition ought to be if we are going down this pathway that we should give the people a say. It will not be a difficult question for them to answer: 'Do you want to freeze the number of machines for 10 years? Yes or no.' I urge all honourable members, if they pass the amendment to make it become part of the motion, also to pass the amendment standing in my name, which will refer the question in 17 months' time to the electorate in referendum, rather than have it proclaimed before that time.

We will know for certain then what the public wants. It will be a lot less expensive than the adverse consequences of the increased welfare, which will be the result if problem gambling is not brought under control, if the losses in the community requiring that welfare are not reduced and, equally, if the crime that results from people seeking to gamble and steal from their employers or steal from anyone else is not brought under control—the cost of the referendum will be much less than all of those things.

Mrs HALL: I rise to support the member for Colton's amendment for a number of reasons, many of which he has already outlined. The amendment will provide a decade of certainty for the hotel and hospitality industry in this state, and I think it is extremely important to do so. One of the most important reasons for the member for Colton's amendment to get up is that it is my view that, when the hotel industry itself has some certainty, they will be able to turn their mind in an additional sense to addressing the issue of problem gambling.

When you have a look at some of the material that we have all been provided with and you look at the history of reform that has taken place in this state over about 10 years, we do lead the country in many of the gambling reforms. I believe it is really important for us to be thinking, as the minister has so often reminded us in the last week, that this is meant to be a bill that will help reduce problem gambling in this state. Now, some of us do not share the minister's view on that, as he has heard on a number of occasions.

However, if the member for Colton's amendment does pass, I believe it will give the industry the chance to work in a cooperative sense with what is, I suppose, called the care industry on the less than 2 per cent that we acknowledge is being talked about. I re-read the reforms that have already been instigated in a cooperative sense with the last government and this government. I look at the money that goes into the Gamblers Rehabilitation Fund in a voluntary capacity by the AHA and the industry.

One of the things that I would like to see come out of the passage of the member for Colton's amendment is moving to establish some guidelines that I would love to have moved in an amendment later in the debate. As we are all being so cooperative and as we are hoping that we can adjourn before 5 o'clock in the morning, I thought I might outline to the member for Colton some of the issues that could emerge as a result of the passage of this amendment. For example, the Gamblers Rehabilitation Fund, as we know, has not necessarily enjoyed great results over the last few years.

I would like to see that abolished. I would like to see the establishment of a new advisory board that would report directly to the minister. I would like to see this board have the sole responsibility to work with gambling addicts, and those people should be identified by the industry and the care industry in a very cooperative sense. It would be a fantastic initiative and, if this amendment gets up, it is something that

the minister may care to take up and, if the minister does not care to take it up, I hope that the industry will.

One of the issues that has become increasingly obvious is that so many people often seek help but quite often the funds are not made available to provide the assistance in which we all say we believe. The early intervention strategies are very important, and people talk about them but, thus far, they have not necessarily been put in place. The minister may flinch because, I guess, all ministers do, and particularly treasurers. I have not discussed this with the Treasurer because I know what his initial reaction would be, but I am hopeful that many members of this chamber might be able to persuade him. I believe that a new advisory board should be funded by hypothecating 2 per cent of government gaming revenue. That amount should be matched by the industry and the various stakeholders in the gambling industry.

When one looks at what is available at the moment, we are talking about just over $3 million. If one actually hypothecated 2 per cent of gaming revenue taxes which the government currently enjoys (and it puts back a measly $1.8 million into the Gamblers Rehabilitation Fund), a scheme such as I am advocating would have a pool of about $10 million to $12 million on an annual basis. This would be a solid base upon which to provide real problem gambling treatment and prevention measures, particularly early intervention measures.

A new fund such as this ought to provide a specific structure so that an advisory board (which would be paid for by the fund) would make recommendations to the minister, particularly with respect to early intervention activities. I think that it ought to be able to provide one or two counsellors—probably two counsellors on my rough calculations—to the various hotel regions of the state, or whatever other regions were agreed upon. A higher level of resource is required for our problem gamblers. If he is serious, the minister will look at this proposal because not only the hotel industry and the stakeholders within the gaming industry but also the welfare sector would be supportive of such a proposal.

If you involve the churches and the various groups that have worked on other committees and structures in the past, it would give them some hope as well as some well resourced dollars to put into some of the counselling services that will be required. At present, with all the threats and instability within the hotel industry in particular, if the member for Colton's amendment gets through, an initiative such as this would be important. I have no doubt that if we are serious about wanting to do something to assist problem gamblers—whom Nevada, as I mentioned earlier, now calls addicts—we might start to get somewhere with the 2 per cent of the community about whom we are talking.

Certainty for the hotel industry is very important. Some members may not have had a chance to read the magazine the AHA puts out on a regular basis entitled *Hotel SA*, but the President in his report on page 5—apart from talking about the regulation of the gaming machines in this country and the fact that, in his view, it has gone too far—makes an extraordinary remark, and we should all ponder and reflect on the implications of it. The President states:

> Our concern is that the gaming industry is heading down the same track as the fathers of the railways in the respective colonies during the 1800s. A small state like South Australia cannot be on a different gauge than the larger states, otherwise we will get no new product, recreational entertainment based players will lose interest and the industry will become dependent on problem gamblers.

I do not believe any member in this chamber would want that to happen. I do believe that there is a genuine desire for this parliament and for us as legislators to try to do something that is a little more effective than what we have operating now. When one reads the IGA report (apart from the fact that I was horrified with the lack of material and actual data on which it was basing so many of its recommendations and having two bob each way on just about every page, which really irritates me), I believe that a properly resourced fund about which I have been talking with a specific board—perhaps employing one chief executive and an administration person and the rest of the money going into counsellors to work and resource with the gambling addicts and their families—would be a great initiative. I sincerely hope that not just the industry but also the minister and this government pursue this because, certainly, we will.

Earlier in this debate I mentioned a visit I made to Las Vegas last year. I spent some time talking to the gambling industry and to the Council on Problem Gambling. They provided an extraordinary amount of material, but one of the things that became increasingly obvious to me—and I believe it is reflected in the activities here—is that early prevention and intervention strategies are important. The Nevada Council on Problem Gambling works very closely with the base industry in Las Vegas and, in a number of very specific cases, the joint initiatives have achieved some success.

Something that absolutely astonished me—and I suspect that it would astonish anyone who looks at the material available from Nevada—was that the Nevada state provides no state government funding for gambling addiction. I think that is quite extraordinary, and it is the gambling industry itself that is helping to fund so many of these programs. I believe that, with the revenue that this government is pocketing and putting into the Treasury at the moment, it is incumbent upon it to add more resources to this very serious problem.

In one of the studies conducted in Nevada they found that the incidence of problem gambling is no higher than that of any other American state. One of the conclusions that this very well resourced study found is that the figures suggested that the younger generation in Nevada was less interested in gambling, possibly because of their constant exposure to it. When I read the IGA report, I am intrigued as to why no words put that together as anything to consider.

The study also says that the tax collections from gambling at both state and federal levels were at a gross rate of 6.7 per cent lower than any of the other American states; again, that is quite extraordinary. When you think about some of the implications of what we are talking about with a 2 per cent gambling addiction here, as we keep hearing, I can only say that I sincerely hope that we can get enough numbers to support the member for Colton and, despite the member for Enfield's intervention with Bible readings which really troubled me, I am hopeful that people will see the wisdom of the amendment moved by the member for Colton, and I urge my colleagues to do the same.

The Hon. M.J. WRIGHT: I oppose both amendments, but I am principally going to speak about the amendment that has been moved by the member for Colton. It is important that this is obviously being strongly supported by the Hotels Association. It is not unreasonable for them to come forward with a claim of this nature and, certainly, when I have had meetings with them, this has been one of the issues that has been in the mix amongst a number of others. As I have said previously, we have had a series of good, productive, robust

meetings, and they are good advocates. They articulate their position well.

However, as I said to them, and as has been highlighted earlier tonight by the members for Enfield and Mitchell, what do you expect to get from an amendment of this nature? All you will get is a warm feeling of inner glow. I hope that I do not misrepresent them; I think they nodded their heads. As has been clearly pointed out by members on both sides of the committee, in particular by the members for Enfield and Mitchell, this remains at the will of the parliament.

This is largely a pyrrhic amendment. It may well give some people in the industry a warm feeling of inner glow, but it does nothing else. Whether it be this parliament or subsequent parliaments, they will ultimately determine what legislation they decide to bring forward. I think the Hotels Association acknowledges that point.

I would also like to speak briefly in response to the member for Morialta, who I think made some good points. I am speaking in particular about her mention of reforming the structure of the Gamblers Rehabilitation Fund because that is something we are looking at. That is an important initiative, and I am happy to talk to her and others if they have ideas. It is something that minister Weatherill and I are having a very close look at.

However, I must correct one thing that the member for Morialta said in quoting me, although I do not think she did it intentionally. She said that I had said this was meant to be about problem gambling, I stand to be corrected. This is about problem gambling and we have had a significant debate about that. It might be a moot point; we might be playing with words. This is not *meant* to be about problem gambling: this *is* about problem gambling. I think that to criticise the IGA is one thing, but we should never forget that the IGA was a creation of the former government. To the best of my memory, it was established in May 2001 by former premier John Wayne Olsen. Of course, now it suits the Opposition to criticise what they have created. All they want to do, sitting in the cheap seats, is play the ball—they know they have no position in regard to this very important issue of problem gambling.

Another point I want to share with members—I referred to this earlier, and I think members would also have received it—is that the Gambling Task Force makes specific reference to their opposition to the 10-year moratorium; they are also strongly opposed to it. As the member for Enfield pointed out, the member for Colton put forward a strong case in regard to the 10-year moratorium. However, it has not convinced me because, as I have said, this is nothing but a pyrrhic amendment. This will always remain at the will of the parliament; it will be for any parliament to make its determination, whether on this particular issue or any other issue related to this or any other act that the parliament deals with. I am also opposed to it because I think we should be taking account of the research that has been put before us as a result of the work done by the Independent Gambling Authority.

The Hon. R.G. Kerin interjecting:

The Hon. M.J. WRIGHT: It is very easy for the Leader of the Opposition to sit over there in the cheap seats and scoff and criticise Stephen Howells. All he wants to do is play the man and interject.

The Hon. R.G. Kerin interjecting:

The ACTING CHAIRMAN (Ms Thompson): Order!

The Hon. M.J. WRIGHT: He has no position on problem gambling and no ideas. The Leader of the Opposition—yesterday's man.

Mr BRINDAL: Seeing that we are waxing biblical this evening, I would like to remind the house that in Holy Week a couple of thousand years ago a certain carpenter was quoted as saying, 'It is written my house shall be a house of prayer and you have made it a den of thieves.' I remind the house of that quotation as we think about this bill, because the minister who sits at the table says that this will be a wonderful amendment because it will give us a warm inner glow. Incidentally, you muddled your metaphors somewhat because you then said something about it being pyrrhic. Pyrrhic suggests a total conflagration that completely burns anything—that is slightly more than an inner glow, and I hope that the member—

Mr Caica: You are slightly wrong with your definition.

Mr BRINDAL: It is a classical allusion, I think.

Mr Caica: I think you're wrong, Mark.

Mr BRINDAL: Well, I don't care. I'm often wrong, but it doesn't matter. The point is that the—

Mr Snelling interjecting:

Mr BRINDAL: Look it up, Jack. Go to the library and look it up and then you can usefully occupy yourself for 10 minutes instead of putting me off what I am trying to say. The point is that it might just give a warm inner glow, but it is about time that this house had some honour and virtue. How many times are we going to come in here and change the rules because we can? The minister is right: all this will do is signal an intent of this parliament. It cannot bind the next parliament or any other parliament. But why should this parliament not—

The Hon. I.P. Lewis interjecting:

Mr BRINDAL: Exactly—as the member for Hammond says, 'Or even this parliament in the next session.' What is wrong with us actually saying, 'This is the intent of this parliament at this time'? What is so wrong with us passing this amendment, especially given the history? The Labor government passed legislation to make poker machines legal in South Australia, and now we have a mob of converts on the road to Damascus who find nothing virtuous in poker machines except, presumably, the $250 million that they very painlessly extract from the people of South Australia.

In this chamber it seems to be a competition to bleat for the 2 per cent of people who are problem gamblers. I feel for those people too, as I feel for many people in our society who are disadvantaged, but many people use poker machines as a form of entertainment and, presumably, derive some benefit from them. I am not one of them; I very rarely—

The Hon. I.P. Lewis: Like cigarettes.

Mr BRINDAL: The member for Hammond says, 'Like cigarettes.' I remind the member that I happen to be a Liberal—at least by philosophy, although sometimes I wonder whether I am by party—and, until this parliament or the Australian parliament want to render it unlawful, I actually believe that people also have a right to smoke. We do too much, as we are doing with poker machines. We tinker at the edges and say we disapprove of something that we have previously allowed. We allow something, we derive revenue and great profit from it but, when there is a risk of discomfort because we find that there are problem gamblers, we turn around and say that we had better do something about it. So we tinker at the edges. We actually do the best bit of tokenism we can muster but do not actually do much about anything. If the house doubts that, I refer it to the contributions made to this debate by the member for Enfield, who has consistently argued—and not very subtly—that this bill will do nothing to help his electors, because he contends that the

way we have passed this bill will make sure that pokie palaces are alive and well in his area. And all the work indicates—

An honourable member interjecting:

Mr BRINDAL: They will not be alive and well in Unley Park; we will sell them all to him. They will be thriving in those areas that can least afford it—his electorate. And what warm inner glow does the house derive from that? In contrast, the member for Colton's token warm inner glow amendment seeks, at least, to establish a line in the sand for those who have legally acquired and operate these machines. We gave them machines and we changed the taxation regime on the machines. The Leader probably remembers this better than I: I think about three or four times in total we have changed the taxation regime. We are now changing the numbers. We seem to like to come in here and change the rules every time somebody has a fit in the brain. I hardly like to ascribe motive but this bill, which we are spending so long debating, and debating so laboriously, to try to fix it up, was the brainchild of the Premier, who seems to be notable for most of this debate by his absence, perhaps resting in a chamber opposite, leaving the hapless minister to control the bill that is virtually uncontrollable. Now, the member for Colton is a person of integrity and he has tried to put a bit of integrity into this bill—

Mr Rau interjecting:

Mr BRINDAL: A bit of politics, the member for Enfield says.

Mr Rau: I said 'high integrity'.

Mr BRINDAL: Sorry, I completely misheard you.

The Hon. I.P. Lewis: What is the matter with leaving it to a referendum?

Mr BRINDAL: I was a great proponent of referenda, as the member for Hammond knows, until a certain academic came to see me and said that they were basically flawed until such time as you could get a population which educated itself enough to cast an informed vote. That was Dr Dean Jaensch, who opposes referenda on the grounds that an informed electorate in a democracy has every right to cast a vote but an uninformed electorate generally picks representatives who attend a place called a parliament and who, in that place, inform themselves and thereby vote in an enlightened way on behalf of those who cannot be bothered to do it. So, that is my only objection to a referendum.

When the member for Hammond supports us, as I know he will, in making sure that we have an informed electorate, we might not need a parliament and we can do most things by referenda. In the meantime, I will be supporting the member for Colton. And, in passing, I say that he again demonstrates tonight why he is misplaced. The member for Colton is on the back bench while every day in Question Time we see some of those on the front bench—and the member for Enfield and the member for Playford. How we can see them languishing on the backbench when we see such a paucity of talent on the frontbench on a daily basis, I do not know, but I commend the member for his amendment.

The Hon. R.G. KERIN: I support this amendment. Given the unfortunate situation that the government's PR exercise presents us with, this amendment makes a lot of sense. The legislation as it is will do a lot of damage, and I think that it is necessary that we put this amendment through to make sure that we do not destroy the hotel industry in this state, or the broader investment certainty that people can have in this state and its parliamentary processes. I would, however, call this the appeasement amendment. I have listened tonight to a few people who do not really support the legislation but will vote for it and who see this as a penance for the bad legislation. I urge them to see the light and oppose the legislation at the end of the day.

Before this legislation was put forward, we had certainty. We had legislation. The parliament of this state said to people, 'You can legally go out and put your money into the pokies.' As I have said before, you can build on rooms, you can put in carpet, you can get carpenters in—you can do all these things. It is legal: you can do it. Now we are saying, 'We are going to take that away. We do not want to pay compensation.' We have a Treasurer who is pretty tight. There is no compensation and we are going to take it back. In 2002 we saw the government do a similar thing, despite its promises to the industry. It told the industry that it had certainty but it has whipped the money out, reduced the capital investment and reduced the income. So, as far as certainty goes, to say, 'Let's do this; this is an adjustment and then we will have certainty,' means that the industry in this state can have absolutely no confidence in this government whatsoever or, to that extent, in this parliament.

This parliament with this legislation is about to set an Australian low for certainty. In this state,'legal' should now be spelt with a question mark behind the 'l'. It is just not good enough that we say to people, 'Here is legislation; this is legal; come and invest,' and then we whip it from them without paying compensation. That is an absolute joke. The tax disgrace of 2002 and this stupid legislation are a real blight on what people will say about investment in this state.

We, as MPs, are here for several reasons, a couple of them being about creating jobs for this state and looking after the certainty of investment, which actually creates jobs. When people create jobs, we should not then, for a headline, come along and whip those jobs out from underneath them, leaving others without jobs. I hope that those who support the legislation know what they are doing to the meaning of investment certainty in the state. Some of them might not know much about investment, but investment certainty creates jobs and brings jobs into this state. So, let us, at least, save ourselves from looking totally stupid by supporting this amendment. At least it gives business in this state some comfort against what is stupid legislation.

Some of the comments made by those who I know support the bill are breathtaking. To say that the bill represents corrective action and gives certainty is an absolute nonsense. It does give some certainty but, unfortunately, given what we have seen in the past from this government, I do not think there is any such thing as certainty. However, this amendment, if it goes through, will make it harder for the government, when it needs a good headline, to come out yet again and screw this industry because it feels it can—and the Treasurer said at one stage that he feels all right about doing this because he can. When asked, 'Why are you doing this?' he said, 'Because I can.' He also said that at least he had the moral fibre to break a promise, and the hotel industry wore that.

The member for Reynell, to whom I give credit for supporting this amendment, has also pointed out the lack of correlation between the number of machines and problem gambling, and that is very true. That has come out in a lot of things. That, yet again, says what a nonsense this whole legislation is. As the member for Reynell says, the correlation between the number of machines and the amount of problem gambling does not exist. So, what the hell are we doing messing around with this legislation which causes so much

other damage? To her I say: help us get rid of the bill and ask the government to address problem gambling. I will even sit alongside her and say 'hallelujah' if we can get a few of those people who know this bill to not only support this amendment but to also vote against the legislation.

In supporting this amendment, I assume, unfortunately, that this parliament will collectively make the mistake of passing the bill at the end of the day. It is legislation that most members admit will not help problem gamblers. We know that it will cause much damage to the hotel industry. It will restructure the gambling industry in this state with absolutely no thought of the consequences. It is simplistic legislation. The IGA has gone about this in such a way that it has not thought about the next step. This measure will cause a basic restructure of the gambling industry in this state, and I cannot find where the IGA can tell us, or even attempt to tell us, what the consequences of that restructure will be. It is aimed more at whacking a few people of whom some people in this government and the IGA have made enemies over the time.

We know that it is legislation that will damage investor confidence in South Australia enormously. We hear so much about the KPMG report, but it is an academic report. I do not question that business costs are as the KPMG report states, but the biggest incentive for people to invest in this state is confidence in the government and that it will not keep shifting the goalposts. The KPMG report is worth absolutely nothing when you consider the way this government will whip things off. It pales into insignificance compared with what we as a parliament are currently being asked to do.

So much for the AAA rating! That is a feelgood thing, but it is not feelgood for the people we are talking about. The AAA rating and the KPMG report are about trying to attract investors into this state, but at the same time that we are spending money on trying to promote those two things in reality we are doing something that will do a lot more damage than those two things can ever do us good. I can unashamedly say that the hotel industry is one of our greatest industries and one of our great professions. Despite the pompous attacks from members opposite, the hotel industry is one of the greatest employers and trainers of young people in this state, and that should be acknowledged.

The hotel and club industries are largely about communities, and that has often been forgotten. Sometimes I really wonder about how disconnected people in this place become. Do we just hang out with each other, or do we actually get out in the community and understand what it is all about? Do we understand how many young people get a shot at a job in a hotel? Yet we come into this place and attack the industry constantly. If you get that uncertainty—

The CHAIRMAN: The Leader of the Opposition needs to address the amendment to the amendment. I think he is getting—

The Hon. R.G. KERIN: I am, sir, because I am talking about the future confidence investors can have in this state. I cannot see how jobs could be more relevant to that.

The Hon. I.P. Lewis: The amendment to the amendment is about putting it to a referendum.

The Hon. R.G. KERIN: No; we are debating them concurrently. Last time, when I moved an amendment I did not get the opportunity even to debate it, because they were to be done concurrently. I ask for your ruling, sir. Are we talking about a referendum, or are we talking about the amendment?

The CHAIRMAN: Both.

The Hon. R.G. KERIN: I will keep going then.

The CHAIRMAN: Yes, but it must be relevant to what is before us, and the leader should not canvass matters that are not—

The Hon. R.G. KERIN: I am talking about jobs and investor confidence, and I would have thought that there was nothing more relevant to the amendment than that, so I will continue. I urge every member to support this amendment. If we do not do so, we will greatly increase uncertainty and, whenever a government needs a distraction, it will again turn to attacking this particular industry, without any understanding, or very little, of the impact that what we do here affects investment certainty and the jobs of so many young people.

This is totally simplistic legislation. It is like saying that if we have fewer cars we will have fewer injuries, so let us cut the number of cars by 20 or 30 per cent. It is like saying that if we lower the speed limit we will have fewer crashes. Let us have fewer people and cut the population so that we take the pressure off our social services and hospitals. We can become a nanny state if we want to.

The member for Enfield talked about the tablets of stone and the wisdom of Stephen Howells. I absolutely doubt the wisdom of Stephen Howells, and I have no confidence in him. As a South Australian, I do not see why I, as someone who represents 22 000 people in the Mid North of this state, should pass my conscience and my thoughts into the hands of a Victorian who has been brought over here for base political purposes to tell us what we need to do.

I might be straying, sir, but I say this: I still have my conscience, and I will not rely on Stephen Howells to tell me or others in this state what we should do. I say to members: please support this amendment because, to a small extent, it reduces the damage that this legislation will do.

The Hon. I.F. EVANS: I want to make some comments in relation to the original amendment moved by the member for Colton. I understand that the member for Hammond has moved some amendments in relation to requiring a referendum. I want to put on the record my very clear view on this matter because, if I am lucky enough to win my seat again at the next election, I sense that we will have this debate with the same gallery present in that term of parliament if this current government is returned. I want to make it really clear what I think is going to happen. I believe that the amendment will pass in the form moved by the member for Colton, not in the form moved by the member for Hammond. I am sure—

The Hon. I.P. Lewis: You cannot trust the people; they are dumb, and they don't even know who to vote for when it comes to election time.

The CHAIRMAN: Order! The member for Davenport has the call.

The Hon. I.F. EVANS: I am just saying that is what I think the parliament will do, Peter.

The CHAIRMAN: The member for Davenport should not respond to interjections, which are out of order.

The Hon. I.F. EVANS: If the current government wins the next election, Stephen Howells will say that the reduction of 3 000 machines has not worked. We know that it is not going to work. Howells will come in and say that it has not worked, and I predict that he will do that in about August 2006 if the current government is returned. The parliament is accepting the argument that the only way of reducing problem gambling is to reduce the number of machines.

Mr Brokenshire: That's not true.

The Hon. I.F. EVANS: I know it is not true but that is what the argument has been about. The only offering is that

you reduce problem gambling by reducing the number of machines.

Members interjecting:

The CHAIRMAN: Order, the member for Hammond!

Members interjecting:

The CHAIRMAN: Order, the member for Mawson!

The Hon. I.F. EVANS: That means that Howells will come in and say we need to reduce more machines and, if this government is returned, it will come straight in, regardless of any commitment given during this debate, regardless of any wink-wink, nudge-nudge or handshake, and with a hand on the heart say, 'Gee, we tried, and the only way to reduce it is to reduce the number of machines further.'

If any group thinks for a minute that the government is going to sustain public pressure to further reduce machines, I believe they are mistaken. I seriously think they are mistaken. I will be voting for the amendment because it does nothing. It does not bind the parliament, so there is no comfort in this for anyone. This is simply an issue that the various clubs and hotels associations believe is better to have in their pocket than not have it and, from a lobbyist's point of view, I understand why they would say that.

However, I think we are kidding ourselves if we think this amendment does anything at all or gives anyone any comfort. It will not, and we will be back here in 2½ to three years if the current government is returned and Stephen Howells will be saying it has not worked. If the legislation goes through in its current form with this amendment, we are adopting the principle that the only way to reduce problem gambling is by reducing the number of machines. We are already adopting the principle that clubs should be exempt, so that will ultimately mean that the burden will once again fall more heavily on the hotel industry. That is where we are going to be in three years' time. Anyone who gets any comfort out of this is misjudging the reality and politics of the situation, and I think that ultimately—

Mr Brokenshire: They could vote for the Liberal Party.

The Hon. I.F. EVANS: But even Liberal voters occasionally make mistakes. We will be back here debating this issue again because that is ultimately an agenda of this government. The agenda of this government is to have another reduction and, if I look at the public comments of Howells and where this is going, there is simply no doubt about that in my mind. While I am happy to support it because the industry wants it for whatever reason—they think they are better off with a commitment than without a commitment—the commitment means nothing.

The political practitioners in this place know that you cannot bind a future parliament. It means absolute scrap. If the Premier comes out after the last election and does a full media conference as he did this time and says, 'We are going to reduce poker machines by another 200 or 500,' does anyone really think that the government is not going to walk in here and have the same debate? Do the associations really think that the government will not cave in just for another 200 machines or just for another 500 machines? Of course it will. The amendment is a nonsense.

I agree with the leader's comments about how the hotel industry has been treated in this debate, so as a courtesy to the industry I will be voting for this amendment, but I think it does absolutely nothing.

The Hon. J.W. WEATHERILL: The member for Davenport made a few predictions about what might happen in the future. I seek to offer the house a prediction of what I think will happen in the future: in the lead-up to the next election, every elector in South Australia will be reminded that Rob Kerin and the Liberals opposed a 3 000 machine cut in the poker machine debate. That is what they will be reminded of, and those 81 or 85 per cent of people who are calling for this will reap their retribution against you and the Liberal Party at the next election. That is my prediction, and you will spend another four years over there.

The CHAIRMAN: I put the question that the amendment of the member for Hammond to the member for Colton's amendment be agreed to.

Members interjecting:

The CHAIRMAN: Order! The member for Mawson will be warned in a minute. The chair is putting the question.

The committee divided on the Hon. I.P. Lewis's amendment to Mr Caica's amendment:

AYES (4)

Atkinson, M. J.	Hanna, K.
Koutsantonis, T.	Lewis, I. P. (teller)

NOES (42)

Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Lomax-Smith, J. D.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Scalzi, G.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	White, P. L.
Williams, M. R.	Wright, M. J. (teller)

Majority of 38 for the noes.

The Hon. I.P. Lewis's amendment to Mr Caica's amendment thus negatived.

The CHAIRMAN: I will now put the amendment moved by the member for Colton.

The committee divided on the amendment:

AYES (31)

Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Buckby, M. R.
Caica, P. (teller)	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hill, J. D.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Redmond, I. M.
Stevens, L.	Thompson, M. G.
Venning, I. H.	White, P. L.
Williams, M. R.	

NOES (15)

Atkinson, M. J.	Brokenshire, R. L.
Brown, D. C.	Goldsworthy, R. M.
Hanna, K.	Koutsantonis, A.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Rann, M. D.
Rau, J. R.	Scalzi, G.
Snelling, J. J.	Weatherill, J. W.
Wright, K. J. (teller)	

Majority of 16 for the ayes.

Amendment thus carried.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. P.F. CONLON (Minister for Infrastructure): I move:

That standing orders be so far suspended as to enable the house to sit beyond midnight.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members is present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The house divided on the motion:

AYES (25)

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

NOES (21)

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

Majority of 4 for the ayes.

Motion thus carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Committee debate resumed.

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

Page 11, after line 19—

After new section 27E insert:

27F—Effect of this Division on obligations under a lease or mortgage

If—

(a) a lease, mortgage or related agreement was entered into before the commencement of this Division; and

(b) licensee is required by the lease, mortgage or related agreement to maintain a certain number of gaming machines in operation on the licensed premises; and

(c) the number exceeds the number of gaming machine entitlements assigned to the licensee on the commencement of this Division,

the lease, mortgage or related agreement will be construed as if it required the licensee to maintain a number of gaming machines in operation on licensed premises equivalent to the number of gaming machine entitlements assigned to the licensee on the commencement of this Division.

This picks up an issue that has been raised and has the support of the AHA. The amendment will ensure that the mandatory reduction in gaming machine numbers does not cause a breach of an obligation or require venues to purchase back up to 40 machines in these circumstances. This is in regard to breach of lease or mortgage. This has the support of the AHA. It was raised with me by them. They made a clear case for this. I am happy to bring forward this amendment and, hopefully, all or most members will accept it.

Mr BROKENSHIRE: I understand and accept this amendment.

Amendment carried; clause as amended passed.

Clause 13.

Mr CAICA: I have no choice but to oppose the clause on the basis that it is a consequential amendment as a result of the decision of the committee in regard to the five-year renewal.

Clause negatived.

Clause 14 passed.

Clause 15.

Mr CAICA: I move:

Page 11, lines 35 to 39—

New section 70(2), example—delete the example

This is a consequential amendment to delete the example in the clause that refers to the renewal of gaming machine licences.

Mr HANNA: I have a question for the member for Colton. What happens if there is a breach of the guidelines sufficiently serious to justify suspension or revocation of the licence? Is it dealt with elsewhere? The member has just informed me informally that it is in the act, and that answers my question.

Amendment carried; clause as amended passed.

Clause 16.

Mr HANNA: This is another of those amendments which is essentially meaningless, like the one passed by this house a short time ago in relation to the numbers of machines. It means absolutely nothing to anyone that the parliament intends, at a particular point in time, that the rates of gaming tax will be this or that or something else, because the parliament cannot bind itself, except in those exceptional cases where we are talking about something that is entrenched in the Constitution Act. The parliament can come back in a month or a year, or it can come back after the next election, and alter the rates of gaming tax or the number of machines. It mystifies me why advocates for the hotel lobby—whether they be with the union or whether they be individual members of parliament or members of the hotel industry—would push for such clauses, because they are so illusory in terms of any certainty that they purport to give. That is the first ground of objection.

The second ground of objection is that Treasury would be foolish to tie itself to particular rates of tax. The commonwealth does not do it in relation to income tax, we do not do it in relation to stamp duty—in fact, we do not do it in relation to any tax. There is no reason why this particular industry should be given especially beneficial treatment, even if we could bind the parliament in the way that it looks on the face of it. So I cannot understand why these two amendments, one in relation to machine numbers and one in relation to the rate of gaming tax, are being pursued. Everyone who is intricately involved with this process knows that it is meaningless. Perhaps people who work in hotels and who read the *Hotels SA* magazine might form an impression that there is some increased certainty, if they do not know the real facts, but everyone in this room knows that it is actually illusory. Secondly, Treasury should, in fact, reserve its right to increase or decrease the rates of tax as it sees fit between now and 2014 which, in terms of the industry and in terms of the finances of the state, is so far into the future that it would be foolish to establish budget estimates or tax rates.

Mr BRINDAL: The member for Mitchell argues a consistent point, and he argued it in relation to the other clause. I take some issue with him if this bill is to be consistent, having voted for the very proposition which he now opposes. The house would be inconsistent in its consideration of this matter if, having accepted a freeze on one thing, it now finds it in conceivable to accept a freeze on another matter, given that this matter is now proposed by the government. I point out to the house a certain definition of a word that cannot be used in this place: the definition of hypocrite is, 'a dissembler, a pretender or somebody guilty of hypocrisy'. As the committee has expressed its view, I would hate that definition, because we cannot use the word, to apply to some members in this place. The question is, why does the government—

Mr Hanna: It applies to everyone who voted for the last proposition because it is deceptive. It is pretending that it is doing something.

Mr BRINDAL: I am not so sure that it is.

Mr Snelling: What is the definition of gasbag?

Mr BRINDAL: Playford. I am not so sure that it is a waste of time, as the member for Mitchell contends, because the act, as I understand it, binds the Crown, and it is the executive government that brings the budget to this house. If this measure is passed into law, my understanding, and I would be corrected by the member for Mitchell, is that the Crown is then bound, the Treasurer is then bound and cannot come into this place with an increase in gaming tax revenue for the next 10 years, because it would be contrary to law. What the member for Mitchell says is quite true; this parliament cannot be bound, this parliament can change the law at any time, this parliament can change any law at any time, but the executive government cannot defy the law as laid down by this parliament.

Mr Hanna: How can they lower the number of machines without parliament's say-so, anyway?

The CHAIRMAN: Order!

Mr BRINDAL: I am not answering an interjection, but my understanding is that the Treasurer can fix a rate of taxation in respect of gaming machines as part of the budget and bring that into this place as part of the budget but, with this in place, he will not be able to do that, because it will be contrary to law. He will first have to bring in a proposition to this house, before he brings in the budget, that this measure must be changed. If I am wrong, I would appreciate the minister asking learned counsel to tell me I am wrong, but I believe the act binds the Crown, therefore the Treasurer will not be able to do that. I ask the minister to tell me if my reasoning is wrong, because I will side with the member for Mitchell if it is. If this clause is a simple hollow act of rhetoric, meant to keep some people happy, then the member for Mitchell is right. If it is, as I say, and it will bind the Treasurer and not allow the Treasurer to change the rate of taxation unless he first comes in and changes this act, then I will be pleased, and I believe that is what the intent is supposed to be. So if that is what the intent is, and the minister gives me his assurance, and all those learned counsel who are sitting there can give that assurance then this house should be reassured.

Mr BROKENSHIRE: I rise to speak in favour of this clause because it is important to realise that this has nothing to do with problem gamblers and, therefore, I feel very comfortable in supporting this because we have an industry with 24 000 jobs. We have talked about the fact that the financiers and the confidence in growing the industry have been under pressure as a result of the yoyo effect of implications of legislation and taxation by this government since it has been in office. We know about Premier Rann's pledge card and no new taxes, and no increases in taxes, and what have we seen? The highest taxing government in the history of this state.

We saw the super tax come in when there was written material that went to the hoteliers prior to the last election signed by executive members of the Labor Party—another totally broken promise. We cannot have an industry that is continually under threat and risk, and I acknowledge that, if the Labor Party is returned at the next election, it is possible that it would do another backflip. That is another reason for getting the Liberals back into government, because we understand small business. The point I am getting at is that, whilst it might be a little vulnerable and it could be changed as the member for Mitchell said, at least it gives them some certainty, and therefore I appeal to this committee to support this clause.

Mr HANNA: I ask the minister to respond to the question raised by the member for Unley. In particular, is it not the case that the Treasurer could come out in the next budget, even if this were passed, and alter the rate of gaming tax?

The Hon. M.J. WRIGHT: The advice that I have received is that the Treasurer could bring forward an amendment to tax for the consideration of the parliament, so I think that the way you have expressed it is correct, and, if my memory serves me, the way that the member for Unley was talking previously was not correct.

Mr BRINDAL: Would that not mean that the Treasurer could bring in the budget and announce an increase in gaming tax revenue subject to an amendment to this act, because if that is not right, what is the point of having any act at all in this parliament? This is a serious principle. If we are going to pass acts, and then be told by those people who draft the acts, basically, that they are not worth the paper that they are printed on, why are we being asked to consider things that are not true? Either this clause has some meaning in law or it has no meaning, and if the member for Mitchell is right then this clause has no meaning in the law, and it is an insult that you bring it to this house and treat us with such disdain.

The CHAIRMAN: The chair's understanding is that you cannot bind a future parliament. This is a wish or a desire but it is not binding.

Mr HANNA: For the benefit of the member for Unley, I would suggest that the key is that this bill does not establish or change or fix the rate of gaming tax. It cannot; it does not say so. So the bill itself does mean something, it does something, it binds the community, but only until such time as it is changed. As the Chairman just said, it is a wish. It is nothing more than a desire, a puff, and that is its status. It is not meaningless, but it gives no certainty to anyone.

Mr BRINDAL: My question is to the minister, or to the member for Mitchell, if he can answer it. I absolutely understand that no act can bind a future parliament. The Crown and the parliament are not one: the Crown is the executive government answerable to this parliament. That is my simple understanding. If the act binds the Crown, while I accept the member for Mitchell's argument that this parliament at any time can change the act, I am absolutely flabbergasted if the Treasurer can just come in, other than at the will of this parliament, and announce that he will introduce a change. Surely the procedure is, 'I want to do it. I've got to get the parliament's permission first.' Surely that is logical, because he is only the minister: he is not the parliament.

The Hon. P.F. Conlon: But it will be a taxing bill. We will bring in a bill to change the tax.

Mr BRINDAL: Yes; and, at the same time, you have to amend this act.

The Hon. P.F. Conlon: No; you do not.

The CHAIRMAN: The point is that the legal advice is that it is not binding. As the chair said before, it is a wish, or a desire.

The committee divided on the clause:

AYES (34)

Bedford, F. E.	Breuer, L. R.
Brokenshire, R.L.	Brown, D.C.
Buckby, M.R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Evans, I.F.	Foley, K. O.
Geraghty, R. K.	Hall, J.L.
Hamilton-Smith, M.L.J.	Hill, J. D.
Kerin, R.G.	Key, S. W.
Kotz, D.C.	Lomax-Smith, J. D.
Matthew, W.A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Penfold, E.M.
Rankine, J. M.	Rann, M. D.
Redmond, I.M.	Snelling, J. J.
Stevens, L.	Thompson, M.G.
Weatherill, J. W.	White, P. L.
Williams, M.R.	Wright, M. J. (teller)

NOES (12)

Atkinson, M.J.	Brindal, M. K.
Chapman, V. A.	Goldsworthy, R. M.
Gunn, G. M.	Hanna, K.(teller)
Koutsantonis, A.	Lewis, I.P.
Meier, E. J.	Rau, J.R.
Scalzi, G.	Venning, I. H.

Majority of 22 for the ayes.

Clause thus passed.

New clause 16A.

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

New clause—After clause 16 insert:

16A—Insertion of section 86A

After section 86 insert:

86A—Guidelines

(1) If a provision of this act contemplates that guidelines may be issued on a particular subject or for a particular purpose, the authority may issue guidelines accordingly.

(2) The Subordinate Legislation Act 1978 applies to the guidelines as if they were regulations as defined in that act.

This is a consequential amendment to provide for guidelines issued by the Independent Gambling Authority to be disallowable. Specifically, this provision provides that the guidelines will be subject to the Subordinate Legislation Act 1978 as if they were regulations. I remind members that this amendment is consequential to an amendment I moved earlier in the bill.

Mr BROKENSHIRE: I move:

After clause 16 insert:

16A—Insertion of section 86A

After section 86 insert:

86A—Guidelines

(1) If a provision of this act contemplates that guidelines may be issued on a particular subject or for a particular purpose, the authority may issue guidelines accordingly.

(2) Any such guidelines are to be regarded as a form of subordinate legislation that is required to be laid before parliament and is subject to disallowance under the Subordinate Legislation Act 1978.

In my amendment, section 86A(1) reads exactly the same as the minister's amendment, so there is common agreement there. However, in relation to subsection (2), the legal drafting people say that technically subsection (2) in the minister's is the same as in my amendment. However, I believe, particularly today when we are trying to introduce modern-day and easily understandable language into legislation so that it can be understood not only by lawyers but also lay people, my amendment expresses it better than does the minister's amendment.

I am passionate about seeing the guidelines from the Independent Gambling Authority tabled in this parliament, and even more passionate about having the opportunity to move for disallowance. We have seen too much heavy-handed, dogmatic and dictatorial nonsense going on with the IGA, and we will talk more about that when we come to amendment No. 46. At the end of the day, the parliament set up the Independent Gambling Authority, and the parliament, on behalf of the South Australian community, should ultimately have the right to decide on those guidelines and whether or not they are allowable or disallowable.

There is common agreement with the minister, and I want to make it clear that I commend him for that. However, I want to see this absolutely expressed so that we all understand that this is about putting some accountability back into the Independent Gambling Authority, which was an implication of the setting up of the authority. However, we are not seeing it happening.

The Hon. P.F. Conlon: You set it up!

Mr BROKENSHIRE: Yes, I agree with the Minister for Infrastructure. We did set it up, but with a different presiding officer. That is why I want this passed tonight.

The CHAIRMAN: Order! The committee will come to order. I understand that the member for Colton is not proceeding with his amendment. So we have before us the amendment of the minister and a slightly different version in the amendment by the member for Mawson.

Mr KOUTSANTONIS: I rise to oppose the member for Mawson's amendment. I do not mind people being passionate in parliament; I think that is their right, and their constituents expect them to be passionate. I am not surprised when members of parliament argue passionately about an issue. The member for Unley is always arguing about an issue, and

the member for Stuart is also very passionate about bureaucracies and bureaucrats; but he very rarely gets up in this place and names an individual. Very rarely do members opposite attack individuals as being partisan or attack their personal lives. However, the member for Mawson—

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: That is the point. The member for Mawson has no problem descending into the gutter to attack a man's reputation, his ethics or his commitment to a job—all in the service of his own political agenda. That is the most disgraceful form of politics possible.

The CHAIRMAN: The honourable member has made the point. I think we need to come back to the amendment. I urge members not to engage in personal references and in matters that do not help debate. It would be helpful for the member for West Torrens to wind up on that point.

Mr KOUTSANTONIS: I will try to be helpful, sir. When I hear members using parliamentary privilege to attack someone's reputation, I find it disgusting and cowardly.

The CHAIRMAN: The member for Mawson's amendment effectively leaves out the minister's subsection (2) and inserts his own subsection (2). Apart from that, the wording is identical. That is the easiest way to deal with it.

Mr BRINDAL: I will try to heed the advice of my friend the member for West Torrens. Having said so, I find myself in a position where I must support my colleague the member for Mawson in this proposition. I will try to avoid personalities. I do so because it is impossible when any government appoints a high profile person to a position not to consider the nature of the person and the position and the power that they might exercise in that position.

If I can deflect from this argument, I would speak about Robert Champion De Crespigny, for instance, who is respected by most people in this chamber, but he is a person of great moment and a person of very strong opinions, as everyone in this chamber knows. To appoint someone of that calibre to a position and then ignore the personality appointed to that position, especially a position of high office but not elected office, is to ignore the realities in a state like South Australia. It so happens that without—

Mrs GERAGHTY: I rise on a point of order of relevance to the clause at hand.

The CHAIRMAN: The chair was about to come to that. We are not discussing individuals. I have in front of me two different amendments.

The Hon. M.J. WRIGHT: I am happy to accept the member for Mawson's amendment. They are both exactly the same.

The CHAIRMAN: The member for Unley needs to come back to the amendments. Otherwise—

Mr BRINDAL: I will not be long, especially if the minister is going to accept the amendment.

The CHAIRMAN: Order! It is not a general discourse tonight; the committee is dealing with these amendments. The chair and the committee do not need to hear a dissertation about Mahatma Gandhi, Mother Teresa or Robert De Crespigny. We are dealing with these amendments. If the member for Unley focuses on the amendment then he is relevant.

Mr BRINDAL: I do not intend to delay the committee; nor do I intend to be verbally coerced out of something that I am allowed to do. I am allowed to develop an argument, and I was developing an argument in support of my colleague's proposition. While I will always take your guidance, Mr Chairman, I will not be marked on the quality of my speeches by you or anyone else. I consider it was relevant and I will continue to make such remarks as I think are relevant unless you want to throw me out of the chamber.

The CHAIRMAN: Order! The member is defying the chair. The chair is making the point that we are debating the amendments before the committee, and the member for Mawson was out of order to make comments about someone who is not even referred to in the amendment. It is not relevant to the issue before us. We have had a lot of irrelevance over the last three days. I ask the member to make his point.

Mr BRINDAL: The point that I was trying to evolve before, in my own opinion, I was rudely interrupted, was the fact that what the member for Mawson is asking in this amendment is, simply, accountability. Where you have a strong leader in a position, accountability becomes more important. That was the point I was making. That is relevant to the clause. But I will now not delay the committee—as you have, sir—by telling me that I was not being relevant.

The CHAIRMAN: The member for Unley is being churlish and uncooperative. From the chair's perspective, these two amendments essentially mean the same thing, and I think people are arguing for the sake of arguing.

Mr HANNA: I can find in front of me two sets of amendments 6(22) and 6(33), which both insert clauses about guidelines. I also have 6(23) and 6(15), which both insert guidelines from the minister. So I can actually find those four sets of amendments all about inserting guidelines. I ask the minister: what are the differences between those four guidelines clauses; which set of wording does he prefer; and why?

The Hon. M.J. WRIGHT: 6(23) relates to the guidelines that the authority can determine. I hope that answers the member for Mitchell's question.

While I am on my feet, I am happy to accept the amendment moved by the shadow minister, which is 6(33). I am compelled by the arguments that have been put forward by the shadow minister and the member for Unley. They are so compelling that I have been won over by the intellect and the advocacy.

Mr Brokenshire: And the passion.

The Hon. M.J. WRIGHT: The passion was what really got me.

Mr Brokenshire interjecting:

The Hon. M.J. WRIGHT: Yes. And as an aside, perhaps what also had some influence on me was that parliamentary counsel advised me that they are exactly the same.

Mr HANNA: If everyone seems to like the member for Mawson's amendment No. 5 in set of amendments 6(33), then is it the case that the similar or same amendments in 6(15), 6(22) and 6(23) will not be proceeded with by either the minister or the member for Mawson?

The Hon. M.J. WRIGHT: I believe that to be correct.

The CHAIRMAN: The only two that the chair has before it, whether people have withdrawn them, is 6(33) amendment No. 5 in the name of the member for Mawson, and the minister's amendment, which is 6(23)—and to a non-lawyer they look to mean exactly the same thing. The minister says he is withdrawing his, so we are only dealing with—

Mr HANNA: Now I have a point of order, sir: you are saying that you have only two amendments before you; and I have described to you the four amendments that I have before me which say much the same thing. Now I do not want to be misled, intentionally or otherwise, by the chair. Are there those four sets of amendments or are there not?

The CHAIRMAN: I indicated earlier that the member for Colton has withdrawn his amendment. I do not have any other—members withdraw them and do all sorts of things.

The Hon. M.J. Wright: There are only two before us, 6(33) and 6(23).

The CHAIRMAN: The member for Mawson has had one superseded by redrafting. One was redrawn and one was superseded on the instruction of the member for Mawson, so I have ended up with two, which are identical in my interpretation.

Mr HANNA: Can I clarify the process by which that withdrawal happened?

The CHAIRMAN: I was informed that the member for Colton asked that that be withdrawn—

Mr HANNA: I am sorry, they were not in the name of the member for Colton, Mr Chairman.

Mr BROKENSHIRE: A point of clarification to 28 and 27—or whatever they were: I advised the Deputy Clerk that I was withdrawing them, because I had upgraded my amendments.

The CHAIRMAN: I was advised that the member for Colton was not proceeding with his because his was either similar or identical to the other two amendments. Members have indicated to the Deputy Clerk that they had superseded amendments by having them redrawn.

Mr HANNA: The point of order I am pursuing, sir, is an important one, because it can lead to confusion on the part of members who are actually following the debate. If there are amendments which deal with the same subject matter and they are withdrawn, leaving some other amendments, then it is important that all of the committee be notified of the withdrawal of those amendments formally—not just by someone whispering to the Deputy Clerk.

The CHAIRMAN: Just to clarify that: I did indicate to the committee that the member for Colton had indicated that he was withdrawing his amendment. I said that to the committee—

Mr HANNA: There is no amendment in the name of the member for Colton.

The CHAIRMAN: There was an amendment in the name of the member for Colton.

Mr HANNA: There are two in the name of the minister and two in the name of the member for Mawson.

The CHAIRMAN: The point is that the amendments are not with the table until they are actually moved—

Mr Hanna: They were put on file.

The CHAIRMAN: It is impossible for the attendants to go around and pull out amendments, because things move so quickly. It highlights the point that members have to try to follow this as closely as possible, the same as the table staff and I have to do it. This is a particularly messy, complicated bill. I am telling the committee that the chair has before it two amendments relating to this issue of guidelines. The minister has now withdrawn his amendment and it leaves the member for Mawson with his. I indicated that the member for Colton had withdrawn his amendment. Presumably, the member for Mawson had his amendment redrawn and then indicated to the table staff that he did not want to continue with those superseded amendments.

New clause inserted.

Clause 17.

Mr BROKENSHIRE: Mr Chairman, I draw your attention to the state of the committee.

The CHAIRMAN: A quorum not being present, ring the bells. I am sorry, I will do a recount. A quorum is present. There is a member resting behind the Grecian pillar.

Mr HANNA: What action needs to be taken in relation to a member who calls for a quorum when there is one?

The CHAIRMAN: Not quite the death penalty!

Mr MEIER: A quorum is 17, correct?

The CHAIRMAN: People are obviously playing games. People are here and have moved out. The member for Hartley was here and he has now disappeared. When a quorum is being counted, people are playing games and moving around. Seventeen members were here, and that was verified by the table staff. The member for Morialta has an amendment to this clause but she is not present.

Mr BROKENSHIRE: Sir, is it in order for me to speak to that amendment?

The CHAIRMAN: The honourable member can speak to the clause but he cannot move someone else's amendment.

Mr BROKENSHIRE: I will speak to the clause. I know that I understand where some members are coming from when they express concern about this clause, because proposed section 88 provides:

> No right to compensation arises—
> (a) as a result of the diminution of rights of a licensee by the 2004 amendments; or
> (b) as a result of cancellation or lapse of a gaming machine entitlement under this act.

If someone is in breach of the conditions under which they are working, one might understand that there should not be compensation. When someone is legally given an opportunity to trade in a commodity and suddenly the government of the day does a backflip (particularly in this case because the government of the day was the government of the day when the decision was made to give this opportunity—so it is doing another double backflip) and says, 'Sorry, we actually said to you to go out and spend some money; go out and modernise your premises, go home and talk to your wife or husband and family and tell them that the industry has been pretty tough but you now have an opportunity', there is an issue.

That person might be able to break even or even make a profit, which is not a dirty word in Australia; in fact, it is a healthy word that I would like to encourage. The government says, 'Go to the bank, borrow some money and grow business, grow jobs.' Suddenly there is a problem because the government of the day that gave them an opportunity to go out legally and do their business goes the opposite way in legislation because there is a problem. It does not take the problem seriously when it could have addressed it, as even members opposite have said.

The government says, 'We will pull away some of that stuff we gave you permission to have. We will now say: that's it, pull it away.' Because the government is in a privileged position and has a parliament with which it can enact legislation, it says, 'No, we will not compensate you. We will not give you any money.' That is the reason why some members are uptight about this, and that is the reason why one honourable member has tabled an amendment to this clause. Even though this is a conscience vote, I understand that the numbers are there not to allow for any compensation.

I think that someone in this parliament should stand up and point out the fact that it is pretty tough to give people an opportunity and then pull away that opportunity. You leave them with a debt, with the jobs and everything else they have to do to manage their business, but you are not prepared to compensate them. That is against a base principle of what

should happen when one looks at fairness for any business, and that is the reason why some members have concern with this clause.

Mr HANNA: I move:

Page 12, after line 21—

After new section 88 insert:

89—Minister to obtain report

(1) As soon as practicable after the second anniversary of the commencement of the 2004 amendments, the minister must obtain a report from the Authority on the effect of those amendments on gambling in the state and in particular on whether those amendments have been effective in reducing the incidence of problem gambling.

(2) The minister must, within 6 sitting days after receiving the report, have copies of the report laid before both houses of parliament.

(3) In this section—

2004 amendments means the amendments to this act made by the Gaming Machines (Miscellaneous) Amendment Act 2004.

Mr BROKENSHIRE: I move:

To amend Mr Hanna's amendment by deleting 'second' and substituting 'first'.

Mr HANNA: I understand that the member for Mawson has moved an amendment to my amendment. I support the amendment in the spirit of cooperation.

Mr BROKENSHIRE: I thank the honourable member for his support.

The Hon. M.J. WRIGHT: I support the amendment moved by Mr Hanna for a review after two years. I am not supporting the shadow minister's review after one year because one year would be insufficient for any meaningful analysis. Two years is simply more practical and far more sensible. These measures will take two years to be implemented and to have settled from the effect of the initial trading rounds—and that is all the more reason for us to do a review after two years. I support the amendment for a review after two years. I think that to do one after one year would be simply doing it far too quickly, and it just would not provide sufficient time for meaningful analysis, particularly when you take account of when the cuts are going to occur.

Mr BROKENSHIRE: In response to the minister's commitment, I encourage the house to consider my amendment for one year because what we have heard for weeks and months is that something has to be done to sort out urgently the difficulties associated with problem gambling. We all know that, and here we are, having spent several days trying to work through this bill. We also have an IGA report which the Premier and the minister have said is so important that it should be implemented to assist problem gambling. I will wrap up what the authors of that report say: if this does not work, pretty urgent remedial action will be required. That actually means that further urgent assessment of initiatives to deal with problem gambling will be required.

I say to this house that, given that the government is on the public record as wanting to get this legislation through rapidly and get this implemented and given that it goes through both houses of parliament by the end of this sitting year (which, I understand, is the government's intention), this can actually proceed fairly quickly. And if this bill, this initiative, is worth anything at all then, with the confidence that the government has in the IGA, at the first anniversary of the input of this bill that supposedly addresses problem gambling they should be in a position to give the minister a report so that the minister can, within six days, table that report so that the parliament—on behalf of the community—have an opportunity to rapidly intervene with other initiatives.

Why should we put families and problem gamblers—the people who are hurting from this—out there for an extra year? What is wrong with having a check by those who represent those people in the parliament in a so-called democracy? I hope that some members were not saying two years because they were concerned that there might be political ramifications if this is not working, and I hope that is not the reason the minister is supporting it being two years, because that would badly hurt the intent of trying to assist problem gamblers.

I call on our colleagues to support this amendment, and I thank the member for Mitchell for indicating his support for it because he has indicated right through that he believes there are initiatives that should be addressed to especially help problem gamblers. I call on this house not to play politics with this, and not to shift it aside so that they might miss out on some negative media coverage if this is not going to work, but to be serious about doing the most urgent at least preliminary assessment to see whether it is working, and giving a great big tick if it has had a positive impact or perhaps to run the risk of a cross if, in fact, it has not had the desired result. That equals the best opportunity to help the concerned sector and problem gamblers, which is what I thought we were all about. I encourage members to support my amendment 6.18.

An honourable member interjecting:

The Hon. M.J. WRIGHT: It is not a brilliant speech: it is a load of nonsense, and I will tell you why. It is illogical anyway, but you must at least take into account that the machine cut is at least four months after the commencement of this act. The member for Mawson is actually arguing for a review to take place eight months into the machine cut. It is not 12 months: it is eight months. What a load of rubbish! The act already provides two-year reviews for the advertising and responsible gambling codes of practice. Two years is an appropriate time, and well does the member for Mawson know it.

The CHAIRMAN: I will put it in the form of the member for Mawson's amendment, which is the test in terms of the one year, and see what happens with that. The two-year option will be put after that.

The committee divided on Mr Brokenshire's amendment to Mr Hanna's amendment:

AYES (17)

Brindal, M. K.	Brokenshire, R. L.(teller)
Buckby, M. R.	Chapman, V. A.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	

NOES (24)

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

NOES (cont.)

Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

Majority of 7 for the noes.

Mr Brokenshire's amendment to Mr Hanna's amendment thus negatived.

The Hon. DEAN BROWN: I rise on a point of order.

Mrs Geraghty interjecting:

The CHAIRMAN: Order! The member for Torrens is out of order!

The Hon. DEAN BROWN: Mr Chairman, four of us took the only lift. We went to the lift, and it appeared to be going from the ground floor down to the basement, then back up to the ground floor and down to the basement again. The four members included the Leader of the Opposition, the member for Davenport, the member for MacKillop, and myself, and when we got to the door the door was pushed shut. We came down in the only lift, and I certainly went straight to the lift.

The CHAIRMAN: Taking a lift is always a risk, I guess. But the sands had generously gone through and I was at fault in not calling to lock the doors earlier. It is noted that those members were not here, but it would not alter the outcome of the vote.

Mr BRINDAL: I rise on a point of order, Mr Chairman. Is it not orderly, in view of the matter raised by the member for Finniss, that the committee entertain a motion that the matter be recommitted? But it may be resolved if there is a general concurrence of the committee and the votes could just be counted. It will not alter the vote. The vote will come out the same way, but if they were just counted it would save a recommittal.

The CHAIRMAN: That is what I said. The committee notes those members, but it does not alter the outcome of the vote.

Mr Hanna's amendment carried.

The Hon. M.D. RANN: I rise on a point of order, Mr Chairman. In the spirit of statesmanship, for which I am known, I make the recommendation that these honourable souls who were lost in the lift be allowed to be committed and recognised, acknowledged and honoured, and not diminished.

The CHAIRMAN: The chair has already done that. They have all been noted. Their votes are not recorded but, for the record, their absence is noted in that they were in the lift.

Clause as amended passed.

Clauses 18 to 27 passed.

Clause 28.

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

Page 16—

Lines 33 to 38—Delete paragraphs (a) to (e) and insert:

(a) administering a reprimand; or

(b) adding to, or altering, the conditions of the licence;

(c) cancelling one or more gaming machine entitlements;

(d) suspending or revoking the licence;

(e) imposing a fine not exceeding $15 000;

(f) if a licence is revoked—disqualifying the former licensee from being licensed or approved under this act.

After line 39—Insert:

(1A) When the Commissioner revokes a licence, the Commissioner must determine whether all or any of the gaming machine entitlements held by the former licensee should be cancelled and, if so, cancel them accordingly.

Page 17, after line 14—Insert:

(5) When the Commissioner cancels gaming machine entitlements under this section, an equivalent number of entitlements may be offered for sale by the Crown under the approved trading system.

(6) However, the Crown may only exercise its power of sale if the total number of gaming machine entitlements in force under this act is less than a number calculated by subtracting 3 000 from the number of gaming machines approved for operation under this act immediately before the commencement of section 27C.

These amendments strengthen the disciplinary powers of the Liquor and Gambling Commissioner by providing him with the power to cancel one or more gaming machine entitlements. This provides the Commissioner with a full range of sanctions that could be applied, having regard to the nature and severity of any breach of the regulatory regime. These powers range from reprimand to revocation. They are technical amendments providing those powers to the Commissioner.

Mr HANNA: I indicate that the minister's first amendment to clause 28 seems to improve the regime for disciplinary powers to be exercised. In the second amendment, the minister brings in an amendment which gives a discretion to the Commissioner whether or not to cancel gaming machine entitlements if a licence is revoked. Why should the entitlements not be cancelled in every case if a licence is revoked?

The Hon. M.J. WRIGHT: It really depends on the circumstances. In an instance where the Commissioner revokes a gaming machine licence, he decides whether the circumstances leading to revocation also warrant cancellation.

Mr HANNA: I indicate that I find that unsatisfactory, because it gives us no indication of what circumstances might possibly warrant cancellation after there has been a revocation. My question was: why should there not be a cancellation every time? To put it another way, in what circumstances would you want to continue to have gaming machine entitlements with which to deal after you have had cause to revoke a licence?

The Hon. M.J. WRIGHT: As I said, it will depend upon the circumstances. An example that may be worth bringing to the member's attention is that, if the licensee is the leaseholder, you may not want to revoke the entitlements, because that would disadvantage the landlord. That is one example I can think of, and there may well be others, but that is a good one.

Mr MEIER: Can I clarify that we can speak to any of the three amendments?

The CHAIRMAN: You can speak to the three amendments.

Mr MEIER: I refer to the minister's amendment, which provides that, when the Commissioner cancels gaming machines entitlements, an equivalent number of entitlements may be offered for sale by the Crown under the approved trading system. I have said it several times, and I will say it again: I thought that the whole emphasis of this bill was to reduce the number of poker machines. Yet here, through an amendment, is another example that the government does not really want to decrease the number of machines by too many at all. In fact, if one of the hoteliers does the wrong thing and has his trading machines cancelled, the machines are up for grabs by others. Surely we would not agree to that if members are truly cognisant of what the Premier and the IGA want.

The Hon. P.F. Conlon interjecting:

Mr MEIER: I hear an interjection that indicates that we probably will agree to it, and I assume that is the government's side. I simply urge that members oppose the amendment moved by the Minister for Gambling as it relates to clause 28, because it will simply keep the number of ma-

chines we have, and I thought we wanted to decrease them in an attempt to decrease, to some extent, problem gambling.

The Hon. M.J. WRIGHT: Although there is no question, I say to the member for Goyder that this was in the original bill and that this is a technical fix to occur only after the 3 000 machines have been taken out. It is another consequential, technical amendment relating to the appropriate treatment and link of entitlements and gaming machine licences, as I outlined previously. As provided in the original bill, this provision would allow the Crown to sell gaming machine entitlements that have been cancelled if the reduction of 3 000 gaming machines had already been achieved. That is the key point I think perhaps the member for Goyder would appreciate.

Mr MEIER: I thank the minister for the explanation, which clarifies it a little bit. I just wonder, and being the devil's advocate here, whether the minister can see a situation where perhaps a particular establishment wants some extra machines and says, 'If we can prove that that particular establishment over there is not doing the right thing, guess what, we will have access to some extra machines.' I suspect that they could certainly create the situation where the commissioner cancels gaming machine entitlements. Therefore, they are up for grabs and if they have sufficient money, well, they will get them.

The Hon. M.J. WRIGHT: The commissioner would assess the actions of the licensee on their merits, and the entitlements would be available in the trading pool for everybody.

Mr HANNA: I have made some comments about the first two amendments by the minister to clause 28. In relation to the third amendment, I tend to agree with the member for Goyder. Since the thrust of the bill is to reduce gaming machine entitlements, or poker machines, then it makes sense, when additional gaming machine entitlements are cancelled due to the misbehaviour of whoever might be in charge of them, to leave those entitlements cancelled—even if we gradually take out more than 3 000 machines in that way. That would not be a bad result: it would be a result consistent with the aims of the legislation.

Mr MEIER: Mr Chairman, before you put the question, can I just ask: if there should be a division called, will we divide on all three separately?

The CHAIRMAN: Yes. The first amendment we will put is amendment 11 standing in the name of the minister.

Amendment carried.

The CHAIRMAN: The next amendment we will put is amendment 12, again standing in the name of the minister.

Amendment carried.

The CHAIRMAN: The next is amendment 13, again standing in the name of the minister.

The committee divided on the Hon. M.J. Wright's amendment 6(13):

AYES (28)

Atkinson, M. J.	Breuer, L. R.
Buckby, M. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hill, J. D.	Key, S. W.
Kotz, D. C.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	O'Brien, M. F.
Rankine, J. M.	Redmond, I. M.

AYES (cont.)

Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J. (teller)

NOES (17)

Bedford, F. E.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Chapman, V. A.	Goldsworthy, R. M.
Hanna, K.	Kerin, R. G.
Koutsantonis, T.	Lewis, I. P.
Matthew, W. A.	Meier, E. J. (teller)
Penfold, E. M.	Rau, J. R.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

Majority of 11 for the ayes.

Amendment thus carried; clause as amended passed.

Clause 29 passed.

New clause 29A.

The Hon. R.B. SUCH: I move:

Page 17, after line 20—

Insert:

29A—Amendment of section 40—Approval of gaming machines and games

Section 40, after subsection (3) insert:

(4) If the use of a particular approved class of gaming machines (the obsolete machines) should, in the commissioner's opinion, be phased out because it has become technologically and economically feasible to install technology providing a better safeguard against problem gambling—

(a) the commissioner must report that opinion to the minister; and

(b) the minister must have a copy of the report laid before both houses of parliament within 12 sitting days after receiving it from the commissioner.

(5) Regulations may then be made—

(a) requiring the operators of obsolete machines—

(i) to have them modified to the commissioner's satisfaction; or

(ii) to replace them with machines of some other specified approved class; and

(b) fixing a date by which the requirement is to be complied with; and

(c) providing that the approval for the obsolete machines is to lapse on the date so specified.

(6) If regulations are made under subsection (5), obsolete machines (unless modified to the commissioner's satisfaction) cease to be gaming machines of an approved class on the date specified in the regulations as the date on which the approval will lapse.

The purpose of this amendment is to allow the technology that is at hand—or very close to being at hand—to be implemented without our having to come back and go through the wonderful experience like we have had in the past three days. The amendment requires the commissioner to report to the minister when the technology is available, including, for example, smart cards and other modern card technology which could be used to exclude problem gamblers. That technology, I am informed, is close at hand.

This amendment would require the commissioner to report that information to the minister, and the minister must have a copy of that report laid before both houses of parliament within 12 sitting days after receiving it from the commissioner. Regulations can then be made which would implement that new technology and require the discarding of obsolete machines. It gives the power down the track, with appropriate reference to parliament, to implement the modern technology, which members would appreciate is developing very rapidly; and, I believe, it offers a very efficient and effective way of helping problem gamblers.

I have been assured by people who are experts in the field that using the modern technology of smart cards and similar type technology would provide a significant mechanism to monitor and exclude people who have a problem with gambling and over-committing themselves; and that technology, as I said earlier, is moving rapidly to a point where it can be implemented. I am trying to expedite it so that we do not have to come back with another bill and go through a lengthy process. However, with appropriate safeguards, and following a recommendation to parliament from the commissioner, this can result in that technology being implemented and thus helping problem gamblers. I commend the amendment to the committee.

Mr BROKENSHIRE: I find it an interesting amendment, and I do have a question for the member for Fisher. If we had focused more on these sorts of things from day one rather than the media headline we would probably be proceeding much more rapidly towards addressing problem gambling. I can report to the committee that I have received a letter from a hotelier in my own electorate who already has what is called a 'J card' system; and, currently, there are more than 250 000 cardholders. I will not delay the committee for very long because we are getting towards the end, but I understand what the member for Fisher is trying do.

I want to inform the committee that this technology, which is being used in my own electorate (it is already there), enables individual cardholders to set limits on their cards. These limits may include the time they spend on a gaming machine, the amount of money they spend per session or within a predetermined time period and a range of other variables. The letter states:

> We also have the ability to communicate with all of the 87 venues that participate within the Jackpot Club to lock cards and send messages advising all venues that cards have been lost, stolen, or that the particular cardholder has sought to be barred or excluded from gaming venues. We can also provide cardholders with the option of not being rewarded in gaming if that is what they choose. Once the parameters have been loaded onto the card, and we set cooling off periods to prevent the parameters being changed at whim, the one card can be used at all participating venues, without the need to reprogram the card. Because of the communication protocols in place in South Australia, our system cannot turn off a gaming machine if the limits set by a cardholder have been exceeded. However, we can broadcast visual and audio messages to the smartcard terminal installed at each gaming machine. We can also use that system to alert staff in the cashier area that a particular cardholder has exceeded their limit, or has been barred or any other message.

I think things such as this down the track make for more sense than the imposts that have been put onto the industry. This is a very successful hotelier who tells me that there are probably 80 other hotels with this technology already in place. Therefore, I have some sympathies for what the honourable member is putting forward, but I do not believe we should be putting another impost on the industry, which makes this stuff mandatory and which has high financial cost factors to the industry; in other words, either the parliament has to come up with some sort of plan or program to assist the development of this technology, in my opinion, to help the industry, or it must become a voluntary thing. I do not see how we can make it mandatory if we are not going to assist the industry with the new technology. Is that what the honourable member is saying? Is he saying it becomes mandatory? Is it optional? We cannot put further financial imposts on the industry, unless there are some offsets to help them get this technology to their machines.

The Hon. R.B. SUCH: The amendment states that it has become 'technologically and economically feasible'. The recommendations, suggestions and input from the Commissioner must take into account the fact that it needs to be technologically and economically feasible. The Commissioner will not put forward something that will cripple the industry. I believe, in terms of what this can do in the future, not only would it be a cost-saving measure for the industry, in terms of how problem gambling can be dealt with, but also, more importantly, it will help humans. That is my motivation. It will help those people. The monetary aspect is important, but I am more focused on the wellbeing of people rather than the monetary aspect. In relation to the cost implications, the Commissioner has to take that into account. The regulations have to come before the parliament, obviously, or be subject to scrutiny by the parliament, so there is a safeguard there.

The Commissioner must be satisfied, in terms of replacing machines, about the changing technology, so I think there are adequate safeguards, including parliament itself, to ensure this would not be done in a harsh or unjustifiable way. I do not think the member for Mawson should have any fear about this, because this would be a considered proposal based on the technology that is rapidly evolving. I believe the industry, as the honourable member has highlighted, will welcome this and will be keen to see this in place. It will not only save them money but also get rid of some of the stigma, which, fairly or unfairly, has been placed on the industry. I believe the operators are more interested in people enjoying themselves in a safe responsible way than continually being blamed for problem gambling. I think the industry will welcome the technology as it comes and, over time, we will see some amazing examples of how we can help problem gambling using the latest electronics.

The Hon. M.J. WRIGHT: The member for Fisher is talking about pre-commitment schemes, and that is an important issue to talk about. I know that precommitment schemes are being researched by the Ministerial Council for Gambling. It will be important to see the results of that research. I can see where the member for Fisher is coming from, and it is an important issue, but these are powerful measures with significant cost impacts. I would also argue that if, by this measure, the commissioner can declare certain gaming machines redundant and effectively put them out of the system, parliament ought to be in the position of knowing exactly what is to be achieved. To get rid of old machines is something that I would argue is a matter for the parliament.

This measure could force the removal of thousands of machines at great cost to clubs and hotels. As legislators we would want to be mindful of that. I appreciate and understand where the member for Fisher is coming from, although I cannot support this amendment. But I can support the concept that he is talking about in regard to doing more work on precommitment schemes. It is an important issue for problem gambling, and I certainly look forward to that research that is being undertaken by the Ministerial Council for Gambling.

Mr MEIER: I have a question for the minister and I think this is the most appropriate time. The matter has certainly been put to me by hotel operators seeing we are dealing obsolete machines. What is to stop hotels that may have 40 machines and have to get rid of eight from getting rid of the eight so-called obsolete machines? Are they allowed to do that?

The Hon. R.B. SUCH: I would like to respond to the minister and to the member for Goyder. This does not lock the government or the parliament into anything. This allows for the possibility down the track. It states that, if the use of a particular approved class should in the commissioner's

opinion be phased out because it has become technologically and economically feasible, the commissioner must report that opinion to the minister, the minister must have a copy of the report laid before both houses of parliament, and regulations may then be made. So this is not a mandatory type approach. In relation to what it is trying to do, I do not want to see a situation occur in a few months' time where the technology is at hand but people will say, 'Well there is no way we are going to revisit the issue of gaming machines for about 10 years because we have had three days of torture.' What I am trying to provide is a situation where the technology can be considered. It is not mandatory; it says regulations may then be made and the parliament can disallow them if it does not like them. What was the member for Goyder's particular point?

Mr MEIER: What is to stop a hotel just getting rid of the eight machines that are the most obsolete, if they have 40?

The Hon. R.B. SUCH: You would not allow that under the regulations. The assumption is that the commissioner, the minister of the day and the parliament are completely stupid. That is not feasible. But I would ask the minister to look at this in terms of providing the opportunity down the track.

It does not lock the government into doing anything at the moment. It requires, and has built into it, an approach that has a lot of safeguards. But my fear is that, if we do not have some mechanism, we will miss out on implementing smart card technology and other technology that will really help the problem gambler, if we are fair dinkum about that. If we are not, let us tell people that we are only mucking around with respect to that issue. But if we are fair dinkum about helping problem gamblers, let us have a mechanism in place with appropriate safeguards so we can do that as the technology (which, I am told, is at hand, or close to being available) can be implemented, with the safeguards of the commissioner, the minister and the parliament.

Mr HANNA: This is a very significant moment as we debate this bill. We are about three-quarters of the way through consideration of the clauses in detail, and we have probably had in excess of 20 hours of debate on this bill. The significant thing is that we are now just getting to the clauses that deal with problem gambling—which is, after all, the one thing that we probably all agree on. We should be dealing with problem gambling. This measure does not impose an obligation, in an immediate sense, on industry. But it does impose an obligation on the commissioner to keep abreast of measures that might be taken to improve gambling machines to make them less addictive, to better safeguard against problem gambling, in the words of the member for Fisher.

It is a process that takes several stages before anyone in the industry has to do anything. The first thing is that the commissioner makes an assessment that machines should be improved in some way so that there are better safeguards against problem gambling. If that happens, the Commissioner reports to the minister. The minister reports to the houses of parliament, and regulations may be made requiring the operators of machines to have them modified or replaced.

So, there are several layers of decision making. First, there is the Commissioner's assessment of how machines might become less addictive and, therefore, deal with problem gambling. Secondly, the government needs to decide whether it is going to bring in regulations imposing some sort of change on the industry so that machines are less addictive and, thereby, safeguarding against problem gambling. Thirdly, even then, after the Commissioner has made an assessment that there are means of improving the gambling machines so there is less problem gambling, and even if the government agrees with that assessment and takes the politically bold move of introducing regulations that ask hoteliers to get rid of the most addictive machines, or improve them in some way so that they better safeguard against problem gambling, there is still another process, and that is that the regulations will be examined by the Legislative Review Committee, and either house of parliament can then disallow the regulations if either house considers them to be too onerous on industry.

There is a number of safeguards. It is a genuine measure, which starts to strike at problem gambling in a direct way, and yet there are many safeguards in place before there is any unfair impost on hoteliers or other operators of gambling machines. I thoroughly endorse this amendment.

Mr BROKENSHIRE: I wish to put a proposition to the member for Fisher. He raises a great opportunity for real improvement with respect to problem gambling and, again, it shows the fundamental flaws in this bill. I have enormous sympathy for this amendment because this sort of initiative does so much more than what we have been doing so far, but I think we have to consult with industry and therefore I do not think I can support this amendment now. However, I wonder whether the minister, with the agreement of the member for Fisher, might be prepared to have a report prepared for the parliament, say, in the next six months or so either by the Australasian Ministerial Gambling Council or a body with the appropriate expertise in the state, and which most importantly would consult with the industry which has already been hit around the ears enough.

I think we need to consult on this more broadly, albeit that some in the industry have indicated to me, including a significant hotelier in my electorate, that this is the way we should go. I wonder whether the member for Fisher and the minister would consider that and let us have a look at this again in six months.

The Hon. R.B. SUCH: In responding to the member for Mawson, I envisage that there would be consultation with industry—you would be stupid not to. Any minister worth his or her salt would consult with industry, and the Commissioner would be mindful of that as well; and regulations may then be made. I do not think you have to spell out every aspect that you consult with industry—that is a given. Any minister who did not do that would be a fool. I take that as a given. That is implicit in here. It is similar to suggesting that bank tellers should be honest. Well, they should be; we take it for granted. If people are fair dinkum about tackling the issue of problem gambling, this is something which can help and which can help in the very near future because, as the member for Mawson has said, some people within the industry are already moving that way.

What I am trying to do is systematise what is about to happen and save our coming back for another drawn out session of flagellation when we go through this all again. Here is something that is written in a way that is not onerous and does allow for consultation with industry. I think that, if people oppose this, I would have to question whether they are fair dinkum or whether they are just playing games with problem gamblers, because that would be my interpretation.

I can see no valid reason for anyone opposing this other than someone who is trying to play games with people's lives and their families. Quite frankly, I would be disgusted to find that people oppose this for some dubious specious reason that we cannot have in a bill a provision to take account of emerging technology. I do not see any justification for not

supporting this, and I will let the rest of the community make a judgment about the people who do not support it, but I think they would say, 'How fair dinkum are they about tackling problem gambling?'

The committee divided on the new clause:

AYES (16)

Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Goldsworthy, R. M.
Gunn, G. M.	Hanna, K.
Koutsantonis, T.	Lewis, I. P.
Lomax-Smith, J. D.	Matthew, W. A.
Meier, E. J.	Rau, J. R.
Redmond, I. M.	Scalzi, G.
Such, R. B. (teller)	Venning, I. H.

NOES (29)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Williams, M. R.
Wright, M. J. (teller)	

Majority of 13 for the noes.

New clause thus negatived.

Clause 30 passed.

Clause 31.

Mr HANNA: I move:

Page 17, lines 33 to 37—

New Section 42A(1)—delete subsection (1) and substitute:

(1) The following applications must be advertised in accordance with this section:

(a) an application for approval of particular gaming machines or particular games; and

(b) an application of any other class if the Commissioner so directs.

(2) If an application is to be advertised, notice of the application, in a form approved by the Commissioner, must be published by the applicant in a newspaper circulating generally throughout the State, and in the Gazette, at least 28 days before the date fixed for the hearing of the application.

This is about letting the community know when pokies are moving into their area. It is a community consultation provision. For those who are here to look after the hotelier's interest, let me say that it is not going to take any money out of their pockets, except to advertise when pokies are coming into someone's community. It states that, where there is going to be an application for approval of gaming machines, the application is to be advertised in a newspaper circulating generally throughout the state and in the *Gazzette* at least 28 days before the date fixed for the hearing of the application. So, it is just letting people know that pokies are going to brought into their area. It is as simple as that, and I ask members to support it on that basis.

The Hon. M.J. WRIGHT: The amendment will require applications for all new games and gaming machines to be advertised. Currently, the situation is that the Commissioner has the discretion to determine when games should be advertised. He currently uses this to advertise games, including when they are at odds with the guidelines issued by the authority. The amendment of the member for Mitchell would capture large numbers of technical fixes and minor hardware modifications which technically need to be approved but do not impact on the game or the machine operation for the player. I do not support this amendment for those reasons. I think that what is currently in the bill is more than sufficient. I think that this is an unworkable and unnecessary administrative burden on the Liquor and Gambling Commissioner and, for those reasons, I oppose the amendment.

The committee divided on the amendment:

AYES (8)

Atkinson, M. J.	Bedford, F. E.
Hanna, K.(teller)	Koutsantonis, T.
Lewis, I. P.	Meier, E. J.
Rau, J. R.	Scalzi, G.

NOES (36)

Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Lomax-Smith, J. D.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Redmond, I. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	White, P. L.
Williams, M. R.	Wright, M. J.(teller)

Majority of 28 for the noes.

Amendment thus negatived; clause passed.

Clause 32 passed.

Clause 33.

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

Page 18, lines 32 to 23—

Delete the clause

This is a technical amendment required to ensure that only a licensed person could be involved in the installation, service and repair of gaming machines. This provision would not have caught a person installing, repairing or servicing a gaming machine on a casual or unpaid basis. Clearly, the intent is to prevent anyone unlicensed or unauthorised carrying out these tasks. So, it is a technical amendment in regard to one licensed service.

Clause negatived.

Clauses 34 and 35 passed.

New clause 35A.

Mr HANNA: I move:

After clause 35 insert:

35A—Insertion of section 51AA

Before section 51A insert:

51AA—Limitation of gambling hours

The holder of a gaming machine licence must not operate or permit the operation of gaming machines on the licensed premises between midnight on any day and 12 noon of the next day.

Maximum penalty: $35 000 or imprisonment for two years.

This amendment provides that gaming machines in South Australia cannot operate after midnight or before noon the next day. We are really getting to the provisions of the bill where we are dealing with problem gambling directly. We know that it is about reduced access. Indeed, the very principle underpinning the government bill is to say that there will be fewer venues as a result of the trading mechanism cutting 3 000 machines. Fewer venues means less access means no access effectively for problem gamblers. That is the principle underpinning the government bill. I am applying that principle very tangibly to the opportunities for problem gamblers.

Let's face it, if you want to go out to lunch at a local pub or club and put your $5, $10 or $20 through the poker machines, this amendment will not stand in the way. If you want to have a drink after work down at the pub or your local club and put a few dollars through the pokies, this amendment will not stand in the way. If you want to go out with your friends and have dinner or see a movie in the evening and then go out after that to play the pokies for a while, this amendment will not stand in the way. I am suggesting that, for genuine leisure players of poker machines, this regime will allow them to continue having the fun they get out of poker machines. So, it is a very mild mannered amendment in that sense.

However, at the moment what we see before 8 o'clock in the morning and after 2 o'clock at night and, in some cases, after 5 o'clock at night, is people playing the pokies in different parts of Adelaide—and it is often in those parts of Adelaide where you expect to find people who can least afford it. So, in those areas we are talking about going beyond leisure and getting into addictive gambling. Limiting access by cutting the opening hours so that poker machines are available only between noon and midnight will cut out a lot of the problem gamblers. For those who are there for a 12-hour stretch it will become obvious pretty soon that they are problem gamblers.

There was a lot of interest earlier when the member for Fisher moved an amendment slightly limiting the playing hours in return for allowing hoteliers to maintain all of their 40 machines. This is not a conditional cut of hours: this is simply saying, 'You get 12 hours a day to make the money you want to make, and for 12 hours a day all those poker machine gamblers can have a rest.' Reduced availability means less problem gambling.

Mr MEIER: I spoke at some length on this issue last night, but I do not think the member for Mitchell's amendment had been moved at that time. I advocated a variation on this. From memory, my variation went something like closing times of 10 p.m. on Sunday night, 11 p.m. on Monday and Tuesday night, perhaps 12 midnight on Wednesday and Thursday, possibly 1 a.m. on Friday night, and 2 a.m. on Saturday night.

An honourable member: Are you moving that as an amendment?

Mr MEIER: No, I am not moving that as an amendment, because I think this amendment encompasses what I wanted to bring into this bill in a much simpler way.

Mr Hanna: Keep it simple.

Mr MEIER: I agree with the honourable member who has moved this amendment that we should keep it as simple as we can. It is straightforward in that opening hours are 12 noon to midnight. I emphasised last night and I re-emphasise now that I am sure that problem gamblers would gravitate to those hotels which open beyond midnight—particularly those which open to, say, 5 a.m. or, as my colleague on this side of the chamber mentioned, he knows of one hotel which opens until 7 a.m.

Mr Goldsworthy interjecting:

Mr MEIER: It is a gaming venue. I do not believe that people play poker machines for a social outing and stay until 7 a.m. There is no doubt that is where the problem gamblers are. If the Premier and those who support what he is undertaking are serious, they will certainly support this amendment. It is a very realistic amendment.

If, in another place, they want to vary the hours slightly one way or the other, I am sure that they can consider that, because there is time—at least a week, or maybe even two weeks. Certainly, this amendment has my full support, as it is one of the key moves. Some of the hotelkeepers in my electorate have told me that so much of the bill will do nothing for problem gamblers. They asked why the government does not seek to reduce the number of hours that gaming machines are in operation, and I told them that I agreed fully with them. I am very pleased that the member for Mitchell has moved this amendment, which is fairly simple and easy to follow and understand. I urge all members to support it.

The Hon. W.A. MATTHEW: I, too, rise to support the amendment, and I congratulate the member for Mitchell on moving it. This is one of the few amendments that encapsulates the stated intent of the bill as put to this committee by the minister. During this debate over the past few days we have heard the minister say time and again that the bill, with the government amendments, will deliver a drop in problem gambling. He stated that that drop would be delivered simply by reducing machine numbers. It has always been my view that, on losing their machines, those hotels in my electorate that have 40 machines, such as the Brighton Hotel, the Brighton Esplanade and the Seacliff Hotel, would buy them all back, and 40 machines would still be operating in those hotels for the same hours—in other words, a zero effect on gambling. The only venues that will lose gaming machines will be those that do not have their machines fully utilised in the first place.

This amendment takes a sensible step forward. In fact, Mr Chairman, it is a variation on an amendment put by you earlier in the debate, with an amendment foreshadowed by me, to limit access to machines. What the member for Mitchell has done is say that what we can effectively do is limit the gambling hours in a different way. This is a simple amendment which gives consistency across the board, and there can be no uncertainty as to its interpretation. It will deliver a drop in problem gambling and allows the bill to achieve the government's stated objective.

The minister has said repeatedly that he believes that his bill will reduce problem gambling, and he cited the opinions of various so-called experts who believe that the only way to limit problem gambling is by closing down venues. Of course, the very facts that fly in the face of the minister's argument to this committee are those presented to this parliament by the Auditor-General in his report some two weeks ago.

The Hon. M.J. Atkinson: A good report!

The Hon. W.A. MATTHEW: It was indeed a very good report, and it has been the subject of much debate in this place. What the Auditor-General was able to do in relation to poker machines was give a projection of gambling revenue through to 2007. He was mindful of this bill before the house. His projection was based on the bill that the government

intended passing, and not a reduction but an increase in gambling revenue was foreshadowed in the Auditor-General's Report. So, the Auditor-General himself has said that, if this bill passes in the form intended by the government, there will be an increase in gambling revenue. That very clearly shows all members of this committee that this bill will not have an effect. The only time when the Auditor-General predicts a commencement of a decline in gambling revenue is in 2007, when smoking bans start to take effect. That is when the Auditor-General believes there will be a reduction. In other words, the Auditor-General is quite clearly saying through his report that this bill simply does not do what the government claims it will.

The member for Mitchell has now put before this committee an amendment which gives the government an opportunity to save face, which gives the government an opportunity to stand up and demonstrate its commitment, which gives the government an opportunity to stand up and indicate whether it has a shred of honesty in relation to this bill. For I do not believe that any member of the government can stand up in this committee and claim in all sincerity that the bill in its present form will deliver what it says it will.

I believe all honest and decent members will support this amendment put forward by the member for Mitchell if they are members who believe that there ought be a solution provided to problem gambling. Of course, I know that this amendment in itself is not going to be the be all and end all, but it is certainly a significant improvement on this very flawed bill.

As I have said, regardless of the outcome on some of these amendments, I will support the passage of this bill. And at the stage the bill is, I will still do that but, without this amendment from the member for Mitchell going through, the bill will not deliver what the government says. Some may say, 'Well, that being the case, why would the member for Bright support this bill?' Only as a matter of principle to indicate that I have a desire to see poker machines drop and also so that the bill, once through, will demonstrate this fraud on the taxpayers by this government, this fraud on the people of South Australia that this bill would become—for it will not reduce problem gambling.

The member for Mitchell, through a very generous act of spirit, is actually providing the government with a lifeline. He is providing them with a lifeline to salvage something out of this bill, to give an opportunity for this bill to deliver the good that the government says it will. There is no logical reason why people who are opposed to poker machines, why people who have a concern with problem gamblers, would not support this amendment. I close by again commending the member for Mitchell for his amendment and I commend this amendment to the committee.

Mr SCALZI: Frankly, I have been listening here all night and I must say that this amendment brings us back to the basics of how to deal with problem gamblers. I was listening to the minister at one stage and he was being a bit cynical about some of the other amendments when he said, 'They are not going to do anything, you just get an inner glow.' If the government opposes this amendment and thinks that it will have an effect on problem gamblers by passing the bill as it is, without this amendment, and believes that the reduction of 3 000 machines with the exemptions of clubs and with the amendments that we have passed with regard to capping in the regional areas will help, then the minister and the government are fooling themselves—and maybe they have that inner glow that he was accusing us of having earlier on.

We know, as evidence has shown and research has shown, and I have heard evidence on the Social Development Committee, that what helps problem gamblers is really time: time to think; time to sleep; time to get away from the dreaded machines; time to go home; time to relate to others. So it is time that we accepted this amendment for what it is—a real 'lifeline', as the member for Bright has said, to the government. It is time to be realistic that at last you can put up an amendment that is directly related to problem gambling; that is, for an individual who is stuck in front of a machine and has a problem—and I am not talking about the 98 per cent. We as a compassionate society must do something for those 2 per cent without depriving the civil liberties of the majority.

If you cannot get enough recreation with gaming machines from 12 to 12, I do not know what we have to do. Twelve hours is sufficient for everybody. This is not a prohibition bill, because it gives people 12 hours. So, you cannot use the argument that you should be able to do what you want. We do not have government services 24 hours a day, and when you ring a business often you find that their hours are from 9 to 5 and then you get an answering machine.

This amendment is sensible because it allows the freedom for those who wish to pursue recreation with gaming machines for 12 hours (from 12 to 12), and then it puts something in place. We had your amendments earlier, Mr Chairman, and the member for Bright's amendment from eight to 10 hours, if I recall correctly. This makes it simple: it is 12 to 12. I am reminded of a film called *One Minute to Midnight*, which was about making decisions before it is too late. I remember that film well. If we do not make decisions, we will be sorry. The government should seize this opportunity, grab this lifeline, give itself some credibility and prove that it is serious about problem gambling. Let us forget about toing-and-froing and worrying about how this measure will affect the proprietors of gaming machines in terms of investment and security.

Those things are important; there is no question about that. However, we started this whole debate because we were concerned about problem gamblers. This is one simple measure that goes to the heart of the problem. It gives those 2 per cent of problem gamblers an opportunity. It gives them a break. It gives them time to reflect on what they are doing when they are putting their pay into a gaming machine. It gives them time to look at the cost and what they could be doing with their money. It gives them time to have a meal and talk to their family.

Furthermore, this measure is environmentally sound. The member for Mitchell, as a member of the Greens, would agree. If you switch off these machines for 12 hours, you will save electricity. So, the Minister for Administrative Services would not have to hand out door snakes, because we would be saving electricity.

The CHAIRMAN: Order! I think the member for Hartley is getting bewitched by the hour!

Mr SCALZI: I might be bewitched by the hour, but I am also interested in the switch that will turn off gaming machines. Give them a rest, because that will give the problem gambler time. Are we going to give them time or are we going to turn back time and worry about businesses and government revenue from gaming machines? Even at this late hour, I have time for problem gamblers. This amendment will give them time to think.

Dr McFETRIDGE: Lock up your daughters; they will get raped and pillaged if they are out on the streets of

Adelaide! For some reason this social engineering continues on. When will we wake up that we do not have to be the nanny state. Why can people not be free to make their own choices? If people develop a habit, the government should be putting money in to deal with that habit. We should be educating people and spending the $1 million a day that we are getting. The member for Bright said that all honest and decent members of parliament will support this amendment. Well, I am an honest and decent member of parliament and I do not support this amendment.

The member for Bright said, 'This will solve problem gambling.' The member for Hartley said, 'Shut the doors. If they can't get in, this will give them time to think.' Problem gamblers do not think like that. All problem gamblers think about is gambling. Whether you shut the doors or lock up problem gamblers, you must educate and treat them. It is a behavioural pattern for a start, then it becomes a biochemical pattern. It is something that we must treat far more seriously than shutting family businesses and sporting clubs between 12 midnight and 12 noon.

We are not in a totalitarian society. We are the most over-governed country in the world with all the rules and regulations. This is just a backward step. To come here and say that shutting the doors will stop problem gambling is an absolute joke. I cannot support the amendment.

The committee divided on the new clause:

AYES (14)

Atkinson, M. J.	Bedford, F. E.
Brown, D. C.	Goldsworthy, R. M.
Hanna, K. (teller)	Koutsantonis, T.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Rau, J. R.
Scalzi, G.	Snelling, J. J.
Venning, I. H.	Williams, M. R.

NOES (30)

Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hill, J. D.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Rankine, J. M.
Redmond, I. M.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J. (teller)

Majority of 16 for the noes.

New clause thus negatived.

The Hon. G.M. GUNN: I move:

That all remaining questions be put without delay.

The CHAIRMAN: The honourable member cannot put a bloc. He can do it only in relation to a question, that a question be put.

New clauses 35B and 35C.

Mr HANNA: I move:

After clause 35 insert:

35B—Amendment of section 51B—Cash facilities withdrawal limit

Section 51B—after subsection (4) insert:

(5) This section expires on the prescribed day within the meaning of section 51C.

35C—Insertion of sections 51C and 51D

After section 51B—insert

51C—Limitations on cash facilities within licensed premises

(1) The holder of a gaming machine licence must not, on or after the prescribed day, provide or allow another person to provide, cash facilities on the licensed premises that allow a person to obtain cash by means of those facilities.

Maximum penalty: $35 000.

(2) For the purposes of subsection (1), an EFTPOS facility will not be taken to allow a person to obtain cash by means of the facility if a sign is prominently displayed to persons accessing the facility prohibiting any person obtaining cash by means of the facility.

(3) The holder of a gaming machine licence is guilty of an offence if, on or after the prescribed day, cash is provided to a person by means of an EFTPOS facility on the licensed premises.

Maximum penalty: $35 000.

(4) The minister may, if there are no other cash facilities within a three kilometre radius of the licensed premises, exempt a licensee (conditionally or unconditionally) from the operation of this section.

(5) A licensee who contravenes a condition of an exemption granted under subsection (4) if guilty of an offence.

Maximum penalty: $35 000.

(6) This section does not apply to cash facilities in gaming areas (see section 51A).

(7) In this section—

prescribed day means the day falling one month after the commencement of this section.

51D—Coin machines not to be provided on licensed premises

(1) The holder of a gaming machine licence must not, on or after the prescribed day, provide, or allow another person to provide, a machine on the licensed premises that dispenses coins in exchange for bank notes or other coins.

Maximum penalty: $35 000.

(2) In this section—

prescribed day means the day falling one month after the commencement of this section.

This amendment concerns the cash facilities withdrawal limit. This amendment needs to be read in conjunction with new section 51B. It is part of a series of amendments dealing with cash facilities in licensed premises. The key principle is to remove the availability of cash machines and, in particular, those that allow large amounts of cash to be withdrawn on facilities where that money can then be used for gambling. There is evidence to suggest that this will have a direct impact on problem gambling.

The 1999 Productivity Commission report into Australia's gambling industry found that 78.2 per cent of non-problem pokies players never used an ATM at a venue when playing the pokies, compared to a staggering 58.7 per cent of severe problem gamblers who often or always used ATMs when playing the pokies. Through the Productivity Commission, players were asked about how often they withdrew money from ATMs—that is, cash facilities—at venues where they played the pokies. It was quite clear that removing ATMs from such premises would not be a significant problem for the non-problem players, but it would make withdrawals of additional cash much more inconvenient for severe problem gamblers, who tend to withdraw large amounts of money at the venue where they are playing. The very fact that they would have to go out of the venue to some other place, even if it is across the road, acts as a disincentive. It gives a breather to problem gamblers so that they have the opportunity to reflect on how much they are losing and why they need to go and get additional funds. It therefore makes sense to separate the cash facilities from the venues.

Amendment No. 6 has several parts, but most of that relates to cash facilities on premises. There is also a new section 51D, which provides that there should not be a

machine on licensed premises that dispenses coins in exchange for bank notes or other coins. So, it is stopping change machines, and that means that problem gamblers, in particular, will find it inconvenient to go in with a $50 or a $100 note and have it changed for small denomination coins with which they can play the pokies. It is another measure to make the obtaining of additional cash inconvenient for problem gamblers. It is another amendment that strikes directly at the problem gambling issue. On that basis, I commend it to the committee.

The Hon. M.J. WRIGHT: There are two parts to this amendment. The first part is to ban ATMs and EFTPOS cash out, and also the banning of the coin change machines. ATM and EFTPOS cash facilities currently are not permitted in gaming areas, and can only permit cash withdrawals of up to $200 per transaction. There is a further currently unproclaimed section of the Gaming Machines Act that would further restrict this to one transaction per day, still with a $200 limit. The banking sector has resisted amending its systems to enable this to occur without a national approach. Unfortunately, the commonwealth government has repeatedly refused to use its banking powers to assist in this matter. However, it has had initial discussions with the banks about including this proposal in its voluntary code of practice, and further discussions are shortly to occur between Ministerial Council on Gambling officials and banking sector representatives.

The restriction to one transaction per day is considered a better balanced outcome for all customers than totally removing ATMs from venues. In respect of banning coin-change machines, this is one of the important issues currently being considered by the Independent Gambling Authority in its second stage review of the advertising and responsible gambling codes of practice. The final public consultation in that review is scheduled for 24 November this year. Parties should make their case to the authority. I look forward to considering the outcome of that work. I am unable to support the amendment.

Mr BROKENSHIRE: Whilst I would have liked to see these sorts of amendments rather than the ones we have dealt with, I understand what the minister is saying. I would encourage the minister to accelerate the work being done and then bring that to the parliament when it has been duly considered. Whilst I agree that there is merit in certain moves in respect of automatic teller machines and the like, once again the problem is that the member for Mitchell (with very good intent) is going too far from the point of view that we have to grow our economy and tourism. Now and again, if I ever get out of this place for a while, even I do not mind taking my family to the restaurant part of a hotel for a meal, and sometimes that involves accessing an ATM because, strangely enough, when you have eaten the meal and drunk the wine, they want to be paid.

To remove them from the premises altogether is a nonsense which will work against the best interests of people who do not have to be protected from problem gambling. This amendment goes too far. It is nonsensical, and I think everyone would agree with that if you are to remove them from the premises. I cannot support this one.

Mr GOLDSWORTHY: When the member for Mitchell talks about the removal of automatic teller machines and cash dispensing machines from licensed premises, does he specifically refer to the area that is licensed to have the gaming machines or the whole premises that is licensed to sell alcohol, that is, the whole hotel?

Mr HANNA: Yes, it refers to the licensed premises. It does refer to the entirety of the premises if it is a pub or a club. There is an exception if there are no other cash facilities within a three kilometre radius. So it would not be a problem for country pubs and so on—they can have the EFTPOS facilities.

Mr GOLDSWORTHY: I refer to proposed new section 51D, coin machines not to be provided on licensed premises. Does that include the whole hotel premises?

Mr HANNA: I believe it would.

New clauses negatived.

Clause 36 passed.

New clause 36A.

Mr HANNA: I move:

After clause 36 insert—

36A—Amendment of section 53A—Prohibition of certain gaming machine facilities

(1) Section 53A—after subsection (6) insert:

(6a) The holder of a gaming machine licence must not, on or after the prescribed day, provide any gaming machine on the licensed premises that is capable of accepting bets at a rate greater than $5 per minute.

Maximum penalty: $35 000.

(2) Section 53A(7)—delete 'subsection (6)' and insert: the subsection concerned

This is a really important provision for those who want to do something about problem gambling and, again, I make the assumption that—to whatever extent people want to preserve the interests of hoteliers—we do ultimately want to avoid the harm caused by problem gambling. This is one of the most direct, obvious, inescapable means of reducing the harm of problem gambling while, at the same time, preserving the fun and enjoyment level of people who simply want to go and have what is called a 'harmless flutter' on the pokies.

This amendment limits the amount which can be lost on the machines. I am told that at the moment it is possible to lose thousands of dollars per hour on certain machines if you play all of the multiples at the maximum amount. This amendment prevents gambling machines accepting bets at a rate greater than $5 per minute. I just want members to do the quick calculation—if this allows a turnover of $5 a minute, and if this amendment is passed, we are still allowing people to lose $300 an hour. So in my own modest way I am suggesting to members that we should limit the amount that people lose to $300 an hour—and I do not think there are many people in this room who could stand losing $300 an hour for very long. So it is a very modest amendment—$5 a minute is very modest; $5 an hour might be something to work towards in the future.

This is a modest amendment which slows down the current rate of play considerably, and it means that even if people are going to spend hours and hours on a machine their losses will be limited to hundreds instead of many thousands of dollars. And we know that, for those who are problem gamblers, the impact of losing many thousands of dollars means turning to crime, stealing from employers and loved ones (either friends or family), the destruction of family and, in many cases, suicide. This will do something to directly limit the harm of problem gambling, and I urge members who care about the issue of problem gambling to vote for this measure.

The committee divided on the new clause:

AYES (15)

Atkinson, M. J. Bedford, F. E.

AYES (cont.)

Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Goldsworthy, R. M.
Gunn, G. M.	Hanna, K. (teller)
Koutsantonis, T.	Meier, E. J.
Rau, J. R.	Scalzi, G.
Snelling, J. J.	Venning, I. H.
Williams, M. R.	

NOES (27)

Breuer, L. R.	Brindal, M. K.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	O'Brien, M. F.
Rankine, J. M.	Redmond, I. M.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J. (teller)	

Majority of 12 for the noes.

New clause thus negatived.

Clause 37 passed.

New clause 37A.

Mr HANNA: I move:

New clause—

After clause 37 insert:

37A—Insertion of sections 54A and 54B

After section 54 insert:

54A—Smoking in gaming areas etc

(1) A person must not smoke in a part of licensed premises that—

(a) is enclosed; and

(b) consists of, includes or overlooks a gaming area.

Maximum penalty: $200

Expiation fee: $75

(2) The licensee must display signs, in accordance with the regulations, in a part of the licensed premises in which smoking is prohibited.

Maximum penalty:

(a) in the case of a natural person—$500

(b) in the case of a body corporate—$1000

(3) If smoking occurs in contravention of subsection (1), the licensee is guilty of an offence.

Maximum penalty:

(a) in the case of a natural person—$500

(b) in the case of a body corporate—$1 000

(4) It is a defence to a charge of an offence against subsection (3) if the defendant proves that he or she did not provide an ashtray, matches, a lighter or any other thing designed to facilitate smoking in contravention of this section and that—

(a) he or she was not aware, and could not reasonably be expected to have been aware, that the contravention was occurring; or

(b) he or she—

(i) requested the person smoking to stop smoking; and

(ii) informed the person that the person was committing an offence.

(5) For the purposes of this section, a part of licensed premises is enclosed if it is, except for doorways, passageways and internal wall openings, completely or substantially enclosed by a solid permanent ceiling or roof and solid permanent walls or windows, whether the ceiling, roof, walls or windows are fixed or movable and open or closed.

We come to another critical clause in respect of addressing the problem gambling issue. There is research to establish that when problem gamblers take a break they have the opportunity to reflect on what they have lost and whether perhaps they should go home. So, there are two reasons why smoking should be banned in gambling areas as soon as possible. I will speak to proposed new sections 54A and 54B separately, and I trust that the vote will be taken on those two different areas because new clause 37A covers two quite different topics.

Proposed new section 54A bans smoking in the part of licensed premises that is enclosed and consists of, or includes, or overlooks, a gaming area. So, essentially, we are talking about no smoking in the pokies rooms. That is basically it. There is a correlation between addiction to tobacco and addiction to problem gambling with poker machines. Let us break that nexus. Let us give those who choose to smoke a break for a few minutes from the pokie machines to give them an opportunity to reflect. There is, of course, a second powerful reason to back this measure, and that is the occupational health and safety and passive smoking issues for the staff and the other players.

Despite airconditioning, and the best ventilation that one can have, the fact is that with a smoker next to you on a gambling machine you are going to be inhaling passive smoke. Given that many players spend hours at a time in those venues, there is a real passive smoking issue. I am not making it up. The government acknowledges that in legislation that has passed through this house and is being dealt with in the Legislative Council this very week. The government backed away from immediate implementation of smoking bans in licensed premises—well, as a compromise, can we at least have a smoking ban immediately in gambling rooms? That would have the dual benefits of improving health and taking people away from the gambling machines for short periods if they choose to go out and have a cigarette, and that in itself is a benefit which could assist people in making the decision to go home when they have had enough, or done enough dough.

Mr MEIER: I think that anyone who has any commonsense would know that, if we want to tackle problem gambling, there are probably three keys things. First, reduce the number of machines, which this bill seeks to do. Secondly, reduce the hours of operation, which we voted on and unfortunately lost. Thirdly, eliminate smoking in the gaming areas because so many problem gamblers are, unfortunately, avid smokers and this is a very simple method. It will be very easy to implement because gaming areas are separated from the rest of the hotel and, therefore, this is an amendment that will bring in immediate prohibition on smoking in gaming areas and, therefore, an immediate reduction in problem gambling. So, I hope that the Premier and all his men and women support this. The member for Mitchell is on the right track. I am very surprised that the IGA did not bring this in as a recommendation. In fact, I think it reinforces the comments I made last night or the night before in relation to my thoughts on the IGA. This is a commonsense measure and I know that the government is heading in that direction in 2007. Why not act now? There has been much comment about smoking. Indeed, members in another place have been debating the issue of smoking. So, let us save some lives.

So, this achieves two things: first, it saves lives by stopping people smoking in gaming areas (not only the people who are smoking but also those who are subjected to that smoke); and, secondly, it helps stop problem gamblers.

It is probably the key amendment, and I urge all members to support this sensible amendment.

The Hon. M.J. WRIGHT: I want to speak only briefly. I understand we are dealing with these amendments separately, so I will speak only about the amendment on the banning of smoking in gaming rooms. As members would be aware, the smoking ban is being addressed in separate legislation which is currently before the parliament. It should not be considered in this bill. There is no need for an amendment of this nature because it is being addressed in legislation that is currently before the parliament.

Mr SCALZI: I understand the minister's attempt to try to keep smoking out of this, but let us face it: this bill has been riddled with smoke and we cannot see what it is getting at. There have been many amendments and exemptions. I know that there is other legislation dealing with smoking in 2007, which puts South Australia backwards. The reality is that this, again, is an opportunity to do something about health problems.

We know that about 20 000 Australians die each year from smoking related illness. Smoking and problem gambling are complementary evils. That means the two are related, as the member for Goyder said. Reduce the number of machines, reduce the time in front of the machines and bring in incentives for people to walk away from machines. Then you are dealing with problem gambling. Let us take this opportunity to deal with smoking as well as the harm of gambling, because the two are closely related.

The CHAIRMAN: I will put the amendment relating to proposed new section 54A, smoking in gaming areas. The committee is considering new clause 37A, and we are dealing with it in two parts. This question relates to proposed new section 54A, which relates to smoking in gaming areas.

The committee divided on the new section:

AYES (10)

Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Goldsworthy, R. M.
Gunn, G. M.	Hanna, K. (teller)
Meier, E. J.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (30)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Hamilton-Smith, M. L. J.
Hill, J. D.	Kerin, R. G.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Redmond, I. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J. (teller)

Majority of 20 for the noes.

New section thus negatived.

Mr HANNA: I move:

After clause 37 insert:

54B—Inducements to bet on gaming machines prohibited

The holder of a gaming machine licence must not offer to provide or provide a person with any of the following as an inducement to bet, or to continue to bet, on a gaming machine in the licensed premises:

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

Maximum penalty: $35 000 or imprisonment for 2 years.

This amendment relates to inducements offered by pubs and clubs in relation to betting on gambling machines. Listed in the amendment is a range of inducements, such as free cash, vouchers, tokens, free points, membership of so-called jackpot clubs, free or discounted food or drink and free entry in a lottery, etc. The inducements of the machines, which are psychologically designed to be as addictive as possible, are sufficient to draw people in and to keep them coming back. It would be better for everyone concerned if the gambling machine entitlement holders saved the money they wanted to spend on such marketing involving inducements and simply provided the service. It would prevent some of the more seductive and even sinister advertising that we see—for example, offering free champagne for those who go to the pokie parlours. The lure is obviously designed to encourage inebriated gambling, and that is not encouraging responsible gambling. So, it is better to do without those sorts of inducements altogether.

The Hon. M.J. WRIGHT: Again, this is one of the issues currently being considered by the Independent Gambling Authority in its second stage review. Gaming inducements are a potentially important factor in considering responsible gambling initiatives. I understand that industry and welfare groups have been discussing this matter and have already indicated some progress in banning forms of inducements to gamble. This is positive progress, and the parties should be commended. It is probably appropriate to await the outcome of those discussions and the finalisation of the codes of practice before giving further consideration to this issue.

Mr HANNA: The minister has referred a couple of times to the IGA recommendations and deliberations and even the ministerial council. I think we need to bear in mind that the IGA report is, in fact, a compromise developed after listening to both industry groups and those concerned about problem gambling and its socioeconomic effects. Although there is merit in the IGA proposals, it is not clear to me why the initial focus was on cutting the number of machines, albeit with the aim of reducing the number of venues, rather than addressing the kind of issues I have raised tonight—for example, stopping the machines from operating at all for certain periods, taking smoking out of gambling rooms, slowing down the rate of turnover of machines and removing inducements to betting on these gambling machines.

There is no reason why we cannot take an approach which puts the welfare of problem gamblers first. It does not matter that the IGA compromised in coming to its recommendations—we do not have to. This amendment is not as effective as a couple of the others I have just moved, but it still will do some good to limit the encouragement of people to play these particularly addictive machines.

The CHAIRMAN: The question now is that section 54B of new clause 37A be agreed to.

The committee divided on the new section:

AYES (15)

Atkinson, M. J.	Bedford, F. E.
Brokenshire, R. L.	Brown, D. C.

AYES (cont.)

Buckby, M. R.	Goldsworthy, R. M.
Hanna, K. (teller)	Koutsantonis, T.
McFetridge, D.	Meier, E. J.
Rau, J. R.	Scalzi, G.
Snelling, J. J.	Venning, I. H.
Williams, M. R.	

NOES (27)

Breuer, L. R.	Brindal, M. K.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hill, J. D.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Redmond, I. M.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J. (teller)	

Majority of 12 for the noes.

New section thus negatived.

Clauses 38 and 39 passed.

Clause 40.

The CHAIRMAN: I point out that the member for Davenport had some amendments to this clause but they have been ruled to be in breach of standing orders because they involve taxation measures.

Clause passed.

Clauses 41 to 43 passed.

Clause 44.

Mr HANNA: I move:

Page 22, after line 37—
After subclause (2) insert:
(3) Schedule 1, (nb)(i)—after subparagraph (A) insert:
(AB) a program for early intervention in problem gambling designed to promote—
(a) early identification of persons engaging in problem gambling, including through active observation of the attendance patterns, behaviour and statements of gamblers; and
(b) the provision of information relating to responsible gambling and the availability of services to address problems associated with gambling to persons so identified; and
(c) the use of the barring procedures under this act in relation to persons so identified; and
(d) the referral of persons so identified to the department within the meaning of the Problem Gambling Family Protection Orders Act 2004; and
(4) Schedule 1, (nb)(i)(B)—after 'relating to' insert:
the early intervention program and generally to

In respect of schedule 1 of the act, I have an amendment. Indeed, the bill deals with that schedule also, but my amendment is quite specific. Members would be aware that schedule 1 of the Gaming Machines Act deals with gaming machine licence conditions. It imposes a condition on a licence that the licensee must adopt a code of practice approved by the Independent Gambling Authority. The code of practice has to deal with things such as the display of signs and the provision of information. In summary, if gambling machine licence holders or entitlement holders are going to have a code of practice then it ought to deal explicitly with problem gamblers. If it is going to deal with problem gamblers it needs to identify problem gamblers, and I anticipate that would mean adequate training of staff, and so on. It would also mean provision of information to persons so identified. It would mean considering the barring procedures, if problem gamblers are identified in respect of a particular person's premises. Lastly, the code of practice ought to consider the referral of problem gamblers to the department within the meaning of the Problem Gambling Family Protection Orders Act. I understand minister Weatherill is currently the minister in that regard.

If we are going to have a code of practice with which everyone agrees and which is already in the legislation, let it deal specifically with problem gamblers. We were meant to be debating this measure for the last 30 hours of parliamentary time to deal with the issue of problem gambling. This amendment deals directly with problem gambling. It costs the industry nothing, apart from having in its code of practice some pointers to deal directly with this issue.

The Hon. M.J. WRIGHT: I support the amendment moved by the member for Mitchell. The points he makes are self-explanatory. They are good points. The early intervention program about which he talks is certainly something we all can support. The government, incidentally, did commit $350 000 in the 2004-05 budget. That is to be matched by industry funding for the establishment of better links between venues and counselling agencies. This was targeted at improving the early intervention of problem gamblers in venues. I think this is a good amendment, which deserves the support of the house.

Mr BROKENSHIRE: We also support this amendment.

Members interjecting:

Mr BROKENSHIRE: No, I will be given a couple of minutes, please. The minister was. It is important because this is what—

The Hon. M.J. Atkinson: But you're not the minister any more.

Mr BROKENSHIRE: It does not matter—

The Hon. M.J. Atkinson: You're the former minister for police.

Mr BROKENSHIRE: I am sorry; you need an opposition to get legislation through the parliament. It has been argued that these are the sorts of amendments that the Premier should have been moving if he was serious about addressing problem gambling, rather than media spin. We believe that this is the right sort of step to genuinely help people who have a problem with gambling. We support this amendment.

Amendment carried; clause as amended passed.

Clause 45.

Mr HANNA: This clause relates specifically to the Roosters Club Incorporated. When that club was the subject of legislation last year, it was highly controversial. That is because the Roosters Club, essentially, had broken the law and was given licence by this parliament to perpetuate that condition. This is a serious question for the minister. I have been informed that the Roosters Club has, in a sense, rorted the system by holding or sharing an interest in another club that has a number of gaming machines. If you combine those gaming machines with those directly owned by the Roosters Club you get more than 40 machines. Is that the case or not?

The Hon. M.J. Wright: Sorry, what was the question—not the whole explanation, just the question?

Mr HANNA: I have been advised that the Roosters Club is rorting the system by holding or sharing an interest with another club or some licensed premises that has a number of gaming machines. The Roosters Club has 40 gaming machines and, with those additional machines, could be said to have more than 40 machines. Is that true or not?

The Hon. M.J. WRIGHT: No. The advice I have received is that that is not correct. The club has only 40 machines, and it is planning to move to Greenacres. When it moves to Greenacres, it will still have only 40 machines.

The Hon. J.D. LOMAX-SMITH: I do not believe that the Roosters Club is rorting the system. It is an unfair accusation to make. I say that because the club's tenure in its present location is tenuous; it knows that it has to move, and it has been working very hard to move to another location. It is a community club that puts a lot of resources back into the community, not just through the football club but also in training young people, as well as other means. The idea that the club is rorting the system, I think, is quite unfair. There was every chance that the club would go under completely—that it would be without premises and would have no right to licences—and it has been saved so that it can move to Greenacres. I think it would be appalling to suggest that a club of this sort, with such an important role in the community, was rorting the system.

Mr HANNA: Really the question is to the member for Adelaide—she knows about it. The Roosters Club was in breach of the law, was it not, until we saved them by legislation?

The Hon. M.J. WRIGHT: The Supreme Court decided against them.

Clause passed.

New clause 46.

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

After clause 45 insert:
46—Insertion of schedule 4.
After schedule 3 insert:
Schedule 4—Transitional provision
1—Gaming machine entitlements
If—
(a) an application for a gaming machine licence was made before 7 December 2000; and
(b) the application is granted after the commencement of this schedule,
the Commissioner may issue up to 32 new gaming machine entitlements to the licensee.

This amendment provides for an anomaly where there is one gaming applicant from before the introduction of the freeze on gaming machines where a licence has not been settled. An application for a hotel and gaming machine licence was lodged on 3 October 2000 for a hotel gaming venue at Copper Cove Marina, Wallaroo. I raised this with the local member on the same day that this was brought to my attention—this was a couple of weeks ago. Following the granting of a certificate of a hotel licence on 30 January 2004, the Liquor and Gambling Commissioner gave an indication on 22 March 2004 that he would grant a gaming machine licence when the hotel licence was granted.

Subsequent appeals and potential further legal action were only completed in July 2004. The intended licensee of the Copper Cove resort has proceeded on the expectation of licensing as committed by the regulatory bodies. This transitional provision is required in order that, in respect of the granting of gaming machine entitlements, a licensee is treated in the same way as other licensees who had rightfully applied or been granted licences before the freeze. The amendment enables this entity to be granted 32 entitlements, as expected. Without this amendment, this licensee will have proceeded with the legitimate expectation of a gaming venue, yet would not be granted any gaming machine entitlements. As I said earlier, when this was raised with me by the Commissioner, I immediately contacted the member for Goyder before I filed this amendment. I thought out of courtesy he should be the next person to find out about this after I had been informed by the Commissioner. If I had been informed earlier, it would have been in the bill, but needless to say it was not and this is why I need to do it now.

Mr MEIER: I thank the minister for having briefed me some time ago on this. The minister has summarised the situation very well. It is a situation that applies to my electorate. The machines were duly granted in December 2000. No matter what one thinks about gaming machines, whether one is in favour of them or against them, this particular application has been through the legal process, and the courts have found accordingly that they are entitled to those gaming machines, even though the venue is still to be built. I believe it is only right that the parliament acknowledges the need for this amendment.

New clause inserted.

Clause 12—reconsidered.

Mr BROKENSHIRE: I move:

Page 9, lines 18 to 23—
New section 27D(2)—delete subsection (2) and substitute:
(2) The approved trading system is a system under which—
(a) the holder of gaming machine entitlements may offer them for sale; and
(b) intending purchasers may offer to purchase gaming machine entitlements.
(2a) The Minister will appoint an agency or instrumentality of the Crown to be the operator of the approved trading system.
(2b) The following provisions govern the operation of the approved trading system:
(a) a prospective vendor of gaming machine entitlements is required, as a condition of participating in the approved trading system, to surrender gaming machine entitlements to the Crown as required in subsection (2c);
(b) the gaming machine entitlements offered for sale will be included in a pool of gaming machine entitlements available for sale; and
(c) the gaming machine entitlements are to be sold at a price of $50 000 each; and
(d) trading in gaming machine entitlements is to occur on trading days falling at periodic intervals (at least quarterly) determined by the operator of the approved trading system (but the first such trading day must fall within 2 months after the commencement of this Division); and
(e) trading is to take place by a system of random allocation under which each gaming machine entitlement available for sale is allocated to an intending purchaser until (subject to availability) each intending purchaser has received one gaming machine entitlement; if gaming machine entitlements then remain available for sale, they will then be allocated randomly among intending purchasers who have offered to purchase 2 or more until (subject to availability) each such intending purchaser has received 2 entitlements; and so on;
(f) a preferential allocation will, however, be made to intending purchasers who had registered their offers on or before the first trading day and received on the commencement of this Division a number of gaming machine entitlements less than 80% of the number of gaming machines approved for operation on their licensed premises immediately before that commencement; but the preferential rights of intending purchasers to which this paragraph applies cease when the number of entitlements held by them reaches 80% of that number or their offers to purchase are satisfied in full (whichever first occurs);
(g) until one year after the commencement of this Division, no intending purchaser is to be entitled

to acquire on the approved trading system more gaming machine entitlements than the difference between the number of gaming machines approved for operation on the licensee's licensed premises immediately before the commencement of this Division and the number of gaming machine entitlements assigned to the licensee on the commencement of this Division;

(h) vendors who have offered all their gaming machine entitlements for sale are to be paid out before those who have offered less than the total number of their gaming machine entitlements for sale.

(2c) A prospective vendor of gaming machine entitlements is required to surrender entitlements to the Crown as follows:

(a) if the total number of gaming machine entitlements in force under this Act exceeds a number calculated by subtracting 3 000 from the number of gaming machines approved for operation under this Act immediately before the commencement of this Division, the prospective vendor must surrender one gaming machine entitlement for each complete or fractional multiple of 3 entitlements to be offered for sale; and

(b) if the prospective vendor is a non-profit association, the prospective vendor must, whatever the number of gaming machine entitlements in force under this Act, surrender one gaming machine entitlement for each complete or fractional multiple of 3 entitlements to be offered for sale.

(2d) Gaming machine entitlements surrendered to the Crown under subsection (2c) are to be dealt with as follows:

(a) if surrendered by a non-profit association—they are to be transferred to Club One;

(b) in any other case, they are to be cancelled.

I have already spoken about this in detail yesterday, and I was advised to come back with an amendment that would take out the money bill aspect of it but still have the principles in there that would allow for the actual methodology of how the transferability of these is going to work, so that there is no uncertainty for the industry or for the parliament about how the process are intended to work. I have now done that and put it in as 6(33).

I believe that it makes great sense for the industry and the parliament to understand, in legislative format, just how the methodology will work. I ask the minister to support me with this particular clause.

The Hon. M.J. WRIGHT: I cannot support the clause because it does not do what we have in the bill. I have said to the shadow minister privately, and I am happy to say it publicly, that in a spirit of compromise I am happy for him to be involved in the negotiations when I am doing these regulations and consulting with the industry. I understand that will satisfy his concerns and I am happy to do that.

Amendment negatived.

Mr HANNA: I move:

Page 9, lines 38 to 41—

New section 27D(3)(d)—delete paragraph (d)

The government trading system takes out a number of machines after the initial cut of 2 200 odd up to 3 000, as a brokerage amount, are gradually taken out of the system. I am suggesting that that brokerage system should continue beyond 3 000. This is not inconsistent with the intention of parliament not to come back with further machine cuts. In any case, this is a point we can deal with now. I am, therefore, suggesting that, as trading continues up to 3 000, it be allowed to continue and the government continue to take machines out of the system. It is not going to be compulsory in the sense that it happens only when there is trading of entitlements. Amendments 2 and 3 standing in my name go together.

The guts of the amendment is really in amendment 3, and you will see that the surrender of entitlements continues at the rate of one quarter rounded upwards every time there is a transaction. That will keep going *ad infinitum* unless there is a further change in the legislation. That is the intention of the provision. Although there would perhaps initially be a flurry of activity leading to considerable trading and, perhaps, getting up to around the 3 000 mark in terms of a cut of the total number of machines in the state, I suggest that, as further machines are traded, one would expect the rate of trading to diminish over time. As there is further trading, an additional number of machines would be taken out of the system.

The Hon. M.J. WRIGHT: I do not support the provision. The bill provides that the relinquishment system is part of the trading of gaming machine entitlements spelt out in the regulations; that is an administrative process. As the member for Mitchell says, it provides for an ongoing reduction in machine numbers that does not stop at 3 000. The government has indicated that it wants a reduction of 3 000 machines.

Mr HANNA: I guess that this is one of the fundamental questions in the bill. If the government says it wants exactly 3 000 machines cut, why does it not want more machines than that cut out of the system? If it is good enough to cut 3 000 machines and allow a trading regime—I will pause while I get the minister's attention—to get up to that point, why is it not more beneficial to take out an increased number and get further benefit?

The Hon. M.J. WRIGHT: We have been talking about this for three days. The approach that the government has taken is to accept all the recommendations of the Independent Gambling Authority. One of its core recommendations was to take 3 000 machines out of the system and, fundamental to that, to have an impact on problem gambling, to have a reduction in venues. I have been saying for three days or more that that is why we are doing it.

Amendment negatived.

Progress reported; committee to sit again.

STANDING ORDERS SUSPENSION

Mr BROKENSHIRE (Mawson): I move:

That standing orders be so far suspended as to enable me to move an instruction to the committee without notice, and for the instruction to relate to the amendment of other acts.

Motion carried.

Mr BROKENSHIRE: I move:

That it be an instruction to the committee of the whole house on the Gaming Machines (Miscellaneous) Amendment Bill that it have power to consider amendments relating to the Casino Act and the Independent Gambling Authority Act.

The Hon. M.J. WRIGHT: I oppose the motion. This bill is about the Gaming Machines Act, not the Casino Act and not the IGA Act. There has not been any review or consideration of amendments to the Casino Act. The casino has not been consulted on these amendments. If members wish to amend the Casino Act, it should be considered as a separate bill. I cannot support this motion.

Mr HANNA: I will be supporting the motion. The purpose of the motion is to allow the member for Mawson and me to move amendments to the schedule to the Gaming

Machines Act, and, incidentally, it is intended that there would be changes to the Casino Act and the Independent Gambling Authority Act. How can the minister possibly suggest that, if we are dealing with the subject matter of gaming machines, it has nothing to do with the Casino? It has 800 of them, and the Independent Gambling Authority has produced the recommendations which we have been debating for the last 30 hours of parliamentary time that we have spent on this bill. So, there is an obvious nexus between the subject matter of those acts and the gaming machine topic that we have been dealing with in this bill.

The committee divided on the motion:

AYES (17)

Brokenshire, R. L. (teller)	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kerin, R. G.
Kotz, D. C.	McFetridge, D.
Meier, E. J.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (25)

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

Majority of 8 for the Noes.

Motion thus negatived.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Committee debate resumed.

Clause 12 as previously amended passed.

Title passed.

Bill reported with amendments.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I move:

That this bill be now read a third time.

Mr MEIER (Goyder): We have certainly had an extensive debate. Many things that I have supported for incorporation into this bill have not been agreed to. I am obviously very disappointed that some of the key measures to help overcome problem gambling have not been dealt with in this bill. So, the question I have to weigh up is whether or not I will support the third reading when so many of the things I wanted included in the bill have not been included, such as, limitation in time—

Members interjecting:

Mr MEIER: If I am going to be hassled, I will just keep going. I am not going to be stifled from giving my view on an issue about which I feel very strongly. I hope members will appreciate that.

The DEPUTY SPEAKER: Order!

Mr MEIER: I am sorry, sir. As I was saying, the key issues being the time gaming machines are allowed to remain open and the issue of smoking, both of which the majority of members ignored. I believe those issues were not even a conscience vote for members opposite, but I will not go into that. Even reducing machine numbers by 3 000 will not occur, because exemptions have been made. Nevertheless, despite those anomalies, I support the third reading.

Mr HANNA (Mitchell): I want to express my disappointment in the bill at this stage. The potential was there to carry a number of measures into effect to directly address problem gambling, such as closing poker machines down for 12 hours a day; banning smoking in gambling rooms so that people would have to have a bit of a break from the repetitive action of putting coins into the machines; making it more inconvenient to withdraw large sums of money to continue playing and losing; and removing the range of inducements, including alcoholic drinks to players who are on a losing streak. A number of things could have been done, but the government—and I say the government because, although there was said to be a conscience vote they voted as a bloc—rejected all those measures which could have dealt directly with problem gambling.

We now have a measure of dubious value. It may do some good in reducing the number of venues to some degree, as the wealthiest hotel proprietors buy up machines at a discounted rate from smaller venues around the place. I say a discounted rate because the minister successfully introduced an amendment which fixes the price at $50 000. Everyone expects that to be a price much less than would have been set by the free market between the buyers and the sellers. If the fair market price was between $100 000 and $200 000 it may be that that simple amendment handed $800 000 worth of value to the owners of the big hotels around Adelaide. I do not see how that can be something the government can be proud of.

Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. P.F. CONLON (Minister for Infrastructure): I move:

That standing orders and sessional orders be so far suspended as to provide that the house sits at 2 p.m. on Thursday 28 October and that Other Motions set down for that day be set down for Thursday 11 November after Other Motions on that day.

Motion carried.

ADJOURNMENT

At 3.50 a.m. the house adjourned until Thursday 28 October at 2 p.m.