LEGISLATIVE COUNCIL

Wednesday 14 May 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 25th report of the committee.

Ordered that the report be read.

The Hon. J. GAZZOLA: I bring up the 26th report of the committee.

EMERGENCY SERVICES REVIEW

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement on the review of the emergency services made by the Minister for Emergency Services in another place, and I also table the report of the task force on the emergency services review.

ASBESTOS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on asbestos made by the Hon. J. Weatherill in another place yesterday.

QUESTION TIME

CABINET RESHUFFLE

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Premier a question about the cabinet reshuffle.

Leave granted.

The Hon. R.I. LUCAS: Yesterday, the Premier announced a cabinet reshuffle. In addition to the removal of the Deputy Premier from any responsibility for issues in relation to industry and trade, the other most noteworthy decisions taken yesterday, according to most commentators, were those relating to the member for Elder, Mr Conlon. The critical responsibility for SA Water has been removed from the member for Elder and given to the Minister for Administrative Services, Mr Weatherill. The responsibility for the Lotteries Commission has been removed from the minister and given to the Treasurer, the Deputy Premier. The critical decision that has attracted most comment has been that to remove the most important police portfolio from the member for Elder's responsibilities and hand it to the Deputy Premier.

I am not sure why, but a number of people have sought me out in the last 24 hours to give me their view on the various reasons why they believe the member for Elder was removed from the position of Minister for Police. I am sure that you, Mr President, will understand that, in relation to issues concerning the member for Elder, I am interested not in rumour but only in fact. My question to the Premier is: prior to taking his decision to demote the Hon. Mr Conlon from the portfolio of the Minister for Police, was the Premier provided with any information which led him to believe that it was not politically tenable for Mr Conlon to remain as Minister for Police and which led him to dump him from that portfolio?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The premise in the Leader of the Opposition's question is completely wrong: the member for Elder has not been demoted at all, as members of this council know well. In fact, the member for Elder has been given a very important new portfolio as Minister for Infrastructure. Apparently, the—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: He is Leader of the Opposition. He was at the Economic Summit; in fact, he was one of those who helped prepare the communique, and one of the important recommendations in the draft paper was about the need to start coordinating infrastructure. The Office of Infrastructure was one of the key recommendations that came out of that Economic Summit which was signed off unanimously by 280 people, including most of the business leaders of this state and members of the opposition. The member for Elder will hold one of the key positions in that portfolio. So, the premise of the Leader of the Opposition's question was wrong. If the Premier wishes to dignify that question—

The Hon. Carmel Zollo interjecting:

The Hon. P. HOLLOWAY: —yes, you're right; he probably would not—by providing any information, I will bring back that reply.

The Hon. NICK XENOPHON: I have a supplementary question. In relation to the reshuffle, given the Social Development Committee's findings on the undesirability of a Treasurer having responsibility for gambling related portfolios, how does the Premier reconcile this with the Treasurer now having the government enterprises portfolio, which includes the Lotteries Commission?

The Hon. P. HOLLOWAY: I will seek a response for the honourable member and bring back a reply.

LOCAL GOVERNMENT ELECTIONS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Attorney-General, as minister responsible for the State Electoral Office, a question about illegal practices at local government elections.

Leave granted.

The Hon. R.D. LAWSON: Section 57 of the Local Government Elections Act provides that a person who offers or gives a bribe with a view to influencing the vote of a person at an election is guilty of an offence and subject to a maximum penalty of imprisonment for seven years, or a fine of $10 000.

The Hon. T.G. Cameron: Up to $10 000.

The Hon. R.D. LAWSON: A maximum penalty, yes. Information was provided to all candidates at the recent local government elections that reminded them of this and other requirements to be observed during the electoral process. I have received a brochure that was issued by councillor Tony Barca to residents within an area of the Port Adelaide Enfield Council. The leaflet states:

> Dear Residents,
> I wish to advise that you will soon be receiving ballot papers for the upcoming council elections.

The leaflet further states:

> After having spent one term as a councillor representing Klemzig ward I have been asked to continue representing the ward.

The leaflet concludes:

I look forward to your support at the up and coming council elections.

The leaflet also states:

I will be in your area for a chat and a free sausage sizzle on. . .

The leaflet then mentions certain dates. Residents advise that the free sausage sizzles did occur. I have also been informed that a written complaint or complaints were lodged with the State Electoral Office concerning this apparent breach. It has been reported that an elected councillor recently stated that this complaint will not be acted on by the State Electoral Office. My questions to the Attorney are:

1. Does he agree that the offering and holding of a free sausage sizzle by a candidate for election in a local government election constitutes a prima facie breach of section 57?

2. Is he aware of claims that the State Electoral Office will not be taking any action in relation to complaints made about the incident to which I refer?

3. What action will he take to ensure that the provisions of this legislation are complied with?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I think that the quality and standard of the sausages is the important thing in this question. I will refer those important questions to the Attorney-General in another place and bring back a reply.

APIARY INDUSTRY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the apiary industry.

Leave granted.

The Hon. CAROLINE SCHAEFER: In 1999, following a recommendation from the South Australian Apiary Industry Task Force, a mandatory disease control program was implemented. The purpose of the program was quite specific: to reduce the incurable bacterial disease American foul brood (AFB) to 9 per cent of the state's apiary operations. At the same time, in 1999, the Apiary Industry Advisory Group was formed with the intention of having a direct line to the minister through the head veterinary officer, Dr Robin Vandergraaff.

A recent briefing to discuss the strategic plan reveals that the incidence of American foul brood has actually increased since 1996, to the point where some 22 per cent of operations are now infected. Members of the AIAG have claimed that, apart from recommendations as to the regulations being dealt with, few, if any, of the recommendations of that group or the mandatory program have been implemented by PIRSA. Under the Livestock Act, PIRSA has the power to regulate the industry and the control of American foul brood disease, and it is now estimated that some 25 per cent of apiarists who have been identified as reckless operators continue to defy the act, and that little, if any, action is being taken. My questions are:

1. Why have AIAG recommendations regarding control of American foul brood disease not been implemented and, in fact, ignored?

2. Why is PIRSA not exercising its statutory obligation to clean-up diseased hives?

3. Why have the recommendations provided to PIRSA by the AIAG not been reported to the parliament as required under the act?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the last question, the honourable member would be aware of a ministerial statement I made towards the end of last year—I think it was in relation to the sheep advisory group—where I pointed out how a number of the advisory groups had not been audited in accordance with the act for a number of years and that in cleaning up that report from the sheep advisory group I was also making sure that all those other reports would be audited by the Auditor-General, as they should have been for some years. That process is still under way and, because there was a backlog, I am not surprised it has taken some time. That has certainly taken longer than I would like, but it is not in the hands of my department.

In relation to the apiary advisory group, the honourable member is correct: it was set up some years ago. However, for the background of members of this chamber who might be interested in the points made by the honourable member, I think that members should be aware that the apiary industry for some years has been very divided; it has been very difficult to get that particular group working harmoniously. There are several reasons for that which relate to personalities, and there are a number of groups, particularly the significant South-East group of that association, which appear to have difficulty in working with other sections of the apiary industry. So, unfortunately, it is an industry that does not have a history of working particularly well together.

One would presume that one of the reasons the apiary industry advisory group was set up under the former government was so it could make use of the Primary Industry Funding Schemes Act so that there could be some cost recovery in relation to the officers whom the shadow minister was talking about and who have been attempting to stamp out American foul brood disease amongst bees. There have been some ongoing discussions with the industry for some years now, which certainly pre-date my time as a minister, to try to get some cost recovery from that industry in relation to the considerable taxpayer funds that are spent on that industry, largely for private benefit.

Last year I was hopeful that we had reached an agreement with them in relation to their funding at least one of those positions. But there was disagreement about industry funding inspectors, so a group of South-East apiarists came to see me in relation to the so-called statutory obligations. That group had some legal opinion in relation to that matter. It is not an opinion that crown law necessarily agrees with or the department necessarily accepts. Certainly, the primary industries department accepts its obligations to do everything it can to try not only to stamp out American foul brood disease in bees but also to ameliorate the risk of another bee pest which was discovered in the eastern states of Australia last year which had been imported from South Africa.

So, there are some threats and the department certainly takes those seriously but, if we are to enforce those obligations, as with every other area of law enforcement, it does require a degree of cooperation from the individuals concerned. Obviously, no matter how much money we put into this, we cannot have inspectors outside every hive right across the state. My department will continue to work with this industry as best we can. It has a long history of having some difficulty, but we will continue to do our best to work with that industry to try to stamp out these diseases. I certainly do not shy away from the fact that it has not been easy, because there are some deep divisions within that industry as to how American foul brood should be controlled.

When you have those deep divisions on how you should control such a disease, it is obviously not always easy to work with it. We will continue to do our best in relation to that and we will also certainly be providing some significant taxpayer funded support to this industry, but we would also expect that that industry should be—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No; the Hon. Mr Redford has it quite wrong. Let me repeat it for his benefit. We have been trying to get an industry levy which would fund one of those positions; that was the agreement that was made. Eventually, with other livestock advisory groups, most of the groups do accept the full cost for most of the services that are funded under the Primary Industry Funding Schemes Act. In relation to the apiary industry, that has not been the case historically. We are certainly seeking to gain a greater level of cost recovery from that industry—and I make no apologies for that—but there is still significant taxpayer input into services that are provided in relation to inspectors in that industry.

The Hon. A.J. REDFORD: I have a supplementary question. Does the minister agree with one of his departmental advisory officers that, if the apiarist industry closed down tomorrow, South Australia would not miss it?

The Hon. P. HOLLOWAY: I do not agree with that, because one of the important roles of the apiary industry is the pollinating services. Bees are absolutely vital to industries such as the almond industry. One of the members of my apiary industry advisory group is a prominent almond grower. He makes a very worthwhile contribution to that group because of the recognition of how essential it is. Indeed, while we are talking about cost recovery, there have been some suggestions as to whether or not the services that are provided to some of those horticultural industries should not be recognised in some way.

It is an industry that does have some particular complexities and it has particular personality problems with some of the individuals, but it is a very significant industry. However, if people reportedly said that, then I certainly do not agree with them and, if the information was provided to me, I would certainly ask them to retract such statements.

The Hon. CAROLINE SCHAEFER: I have a further supplementary question. How many times has the minister met in person with the apiary industry advisory group?

The Hon. P. HOLLOWAY: I have met with various apiarists on a number of occasions. I also opened the South Australian Apiarists Association field day in Murray Bridge. I am not sure whether I have attended a meeting of the actual group, but I have certainly kept in touch with the chair, who comes from Port Pirie. I spoke to him earlier this year in Port Pirie. However, the department has officers who are regularly involved in that meeting, and the minutes of that meeting are certainly forwarded to me, as are those of all the other advisory groups within my portfolio. Certainly I am always available to speak to the chairs of those boards, or, if it is requested, to those particular groups.

The Hon. A.J. REDFORD: I have a further supplementary. Will the minister undertake to use his best endeavours to protect this advisory group against the Rann government's purge of boards in this state?

The Hon. P. HOLLOWAY: Let me repeat again the answer that I gave last week: advisory groups acting as consultative committees under the Primary Industry Funding Schemes Act have a particularly important role to play. They are not only useful for the advice that they provide but also through the significant industry funds that they raise those committees are not replaceable. There is certainly no intention whatsoever on my part for those boards to be replaced. However, within my portfolio, as with the portfolios of other members, a number of committees and boards have been around for many years and they have outlived their usefulness, and therefore, at the appropriate time, I will be announcing which ones I will be removing. The apiary industry advisory group will not be one of them.

ONESTEEL

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about OneSteel.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation particularly in that area to my left.

Leave granted.

The Hon. G.E. GAGO: For some years there has been concern regarding the future of the Whyalla steel works. With the separate listing of OneSteel from BHP in 2000, some pessimists predicted the imminent closure of the Whyalla operation, which I am sure all members would agree would be devastating not only to the local economy of Whyalla but also a considerable blow to this state. Will the minister inform the chamber of any recent developments that have been indicative of OneSteel's level of commitment to the Whyalla operation?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question. While I am on my feet I might add that, in relation to the apiary industry, I forgot to mention that my chief of staff has met with the board in the last week or so. I should have added that to my previous answer.

In relation to the Whyalla steelworks, I recently had the privilege of attending the signing ceremony for the relining of the blast furnace. This investment, which will be of the order of $80 million, will ensure the future of the plant for at least the next 20 years. At that ceremony it was pointed out that the blast furnace at Whyalla has been in operation longer than most in the world. That particular blast furnace has been in operation for some 22 years or thereabouts which, if not a world record, is very close to it.

This investment shows that OneSteel has recognised and endorsed the importance of Whyalla in its future plans, producing as it does 70 per cent of all its steel and 100 per cent of its specially graded steel. The reline and associated modifications of the blast furnace will take place over June and July next year, necessitating the closure of the plant for approximately 65 days. About 400 extra people will be employed during the process.

In addition to its commitment to the reline of the furnace, OneSteel has begun a $6 million feasibility study into the commercial viability of exploitation of the extensive magnetite resource in the South Middleback Ranges. This study involves the recovery and analysis of magnetite resources at Iron Duke in order to evaluate whether the magnetite can be recovered economically and used as a feed for the Whyalla steelworks. If it can be successfully exploited, the magnetite resource will lead to an extension in the life of the Whyalla

operation well beyond the current forecast of 2020, which is based on the use of the haematite deposit alone.

Through both the investment and the relining of the furnace and the commitment to maximise the use of available resources, I believe that OneSteel has displayed a real commitment to Whyalla and South Australia, and that is to be congratulated.

ADELAIDE UNIVERSITY REGIMENT BAND

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question concerning the refusal of the defence department to allow the pipes and drums band of the Adelaide University regiment to participate in the 2003 Edinburgh Military Tattoo.

Leave granted.

The Hon. SANDRA KANCK: Members might have seen a letter in Monday's *Advertiser* mentioning this band needing support to get to the military tattoo, but there is a lot more to this story than meets the eye. I have received some correspondence from the President of the Scottish Association of South Australia. It indicates that the Adelaide University regiment pipes and drums band was invited to participate in the Edinburgh Tattoo some 17 months ago. It took the army 13 months to inform the band that it would not be granted permission to go because of the uncertain security situation and that their safety could not be guaranteed.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Yes, this is Edinburgh we are talking about, not Riyadh. Foreign Affairs, to my knowledge, has never posted travel warnings about Scotland.

The Hon. T.G. Roberts: Does the army want to go?

The Hon. SANDRA KANCK: That is an interesting question: does the army want to go? The correspondence that I have here from the Scottish Association indicates in fact that the army would have preferred an eastern states band to be invited, but Edinburgh only invites the best and it has invited a South Australian band. The Royal Military College Band from Duntroon recently performed at the Gallipoli service and that same band will be travelling to London to perform at the Remembrance Day celebrations in November, and both of those are undoubtedly much more dangerous destinations than Edinburgh.

Faced with the army's intransigence on this issue, the band members have formed a civilian band which they are calling the South Australian Pipes and Drums, and they will be travelling to Edinburgh under that guise. The state government has obviously had some involvement in this, to its credit, and it has given the band permission to use the state emblem on its equipment and the band is getting a tartan made in the state's colours.

To add insult to injury, most of the band's funds are raised by band members themselves, yet the army has prevented them from accessing the money they have raised over many years and has even confiscated copies of their CD, *Breaking the Rules*, so they cannot sell it as a fundraiser. My question is: what action will the Premier take to embarrass the Minister for Defence into intervening to ensure that the army releases the money raised by this band for their trip to Edinburgh?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Premier and bring back a response.

SEVERE ACUTE RESPIRATORY SYNDROME

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Health, questions regarding the severe acute respiratory syndrome (SARS) epidemic and South Australian public servants.

Leave granted.

The Hon. T.G. CAMERON: The World Health Organisation yesterday declared SARS much more deadly than initially believed. The WHO has almost doubled its estimated global death rate for cases hospitalised with SARS from 8 to 14 per cent, with more than half the patients aged 65 years and over likely to die. A recent article in the *Advertiser* reported that three major banks are forcing their workers who visit SARS danger zones in Asia to foot the bill for a compulsory 10-day quarantine period. An internal Westpac memo shows that employees must spend 10 days of leave at home and obtain clearance from their doctor at their own expense before returning to work. The leave must be taken as annual leave or sick leave, otherwise it will be unpaid.

The decision comes as the SARS epidemic continues to cause chaos across Asia. Russia has closed crossings along its China frontier as the world death toll rises to more than 500, with over 7 000 infected, and even those figures may be underestimated. My questions are:

1. What is the government's health policy with regard to government employees who, as part of their work, are required to travel to Asian areas affected by SARS?

2. Are workers made aware of the dangers of SARS before they leave?

3. Are they required to undergo a quarantine period when they return? If so, for how long? Will it be taken from their annual leave or sick leave?

4. Are they required to obtain a medical clearance before returning to work? If so, who pays the medical expenses?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. I am not sure whether the Minister for Health or the Premier, who is responsible for the Office of the Commissioner for Public Employment, is in the best position to answer that question, but I will endeavour to get an answer back to the honourable member as soon as possible.

MINISTER FOR THE SOUTHERN SUBURBS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the Southern Suburbs, a question on southern suburbs ministerial responsibility.

Leave granted.

The Hon. T.J. STEPHENS: During the last sitting week of parliament, the Minister for the Southern Suburbs refused to answer a question regarding the possibility of a bus strike, its effect on commuters in the southern suburbs and, in particular, what action he planned taking in an attempt to prevent the strike. The minister has since claimed in a ministerial statement that the opposition is being tricky by asking questions that are not necessarily in the area of the southern suburbs portfolio.

However, upon reviewing an answer to a freedom of information request provided to me by the Hon. Robert Lucas MLC, I understand that transport issues in the southern

suburbs were important enough to have a three-page briefing note prepared. The briefing note to which I refer states:

Policy commitment: to provide an efficient and accessible transport system to encourage the use of public transport.

The briefing note continues to discuss various transport initiatives in the southern suburbs area. My questions are:

1. Will the minister now admit that he was wrong when he asserted that industrial relations issues affecting transport matters in the southern suburbs are not related to his portfolio of the southern suburbs?

2. If not, will the minister tell the parliament exactly what is in his brief as Minister for the Southern Suburbs?

3. What was the cost of the visit by two of his staff to New South Wales last year to view the western Sydney program, and will the minister table the report by those staff members on their visit?

4. Will the minister provide the council with a list of achievements for the for the first 12 months for the western Sydney program and also the list of achievements for the first 12 months of the southern suburbs portfolio?

5. What goals has the minister set for key issues in the southern suburbs such as employment and economic growth?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): At the risk of being labelled tricky, I will refer those questions to the minister in another place and bring back a reply.

FREE TRADE AGREEMENT

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industry, Trade and Regional Development, a question about the free trade agreement and culture.

Leave granted.

The Hon. DIANA LAIDLAW: On 3 April the other place passed a motion requesting the government to prepare and publish a report assessing how entry by the Commonwealth of Australia into a free trade agreement with the United States of America would affect the consumers/farmers industry culture in South Australia. In responding to the motion, the minister (Hon. Rory McEwen), who was then responsible for only the trade and regional development portfolio (and yesterday received a promotion), said that the government had already commenced the preparation of the report and intended to publish that report. He also went on to indicate that other reports will be produced and made available. I am keenly interested in this matter and in the impact of the agreement on culture and plan to comment further in my matter of interest speech today. In the meantime, I ask the minister:

1. Will he provide me with a copy of the letter he wrote to the federal Minister of Trade (Hon. Mark Vaile) on 6 February 2003 outlining the broad principles the state government wishes to see underpinning the negotiations with the United States of America?

2. Do these principles include a cultural exemption, which essentially means that culture is not to be part of the trade agreement and, if not, why not?

3. What is the timetable for completion and release of the South Australian government's assessment of the impact of the free trade agreement between Australia and the USA?

4. What other reports are being prepared on the subject and what is the timetable for release of the reports in each instance?

5. Has Arts SA prepared a submission or provided input to the overview report of the South Australian government's position?

6. Will the minister release a copy of all material prepared by Arts SA?

7. If Arts SA has not prepared such advice to date, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take that question to the minister in another place and bring back a reply.

PUBLIC TRANSPORT, SMART STOPS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about public transport technology.

Leave granted.

The Hon. R.K. SNEATH: Intelligent transport technology is perhaps one of the most efficient ways of better utilising public transport infrastructure and assets. I understand that the smart stops—a real time passenger information system—is about to be trialled within the Adelaide public transport system. Will the minister provide information on the new smart stops project?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. I acknowledge the strong interest he takes in public transport and in being able to recognise those stops with smart stops technology. Within the next few weeks, the smart stops—

The PRESIDENT: Members would be smart to stop their interjections.

The Hon. T.G. ROBERTS: —will be fully operational on 45 buses and at 34 bus stops on routes running along Henley Beach Road and Norwood Parade. These routes have been selected as they are heavily patronised and enable all aspects of the technology to be tested. The smart stops project involves buses fitted with advanced global position system (GPS) technology, so their location can be tracked to provide passengers waiting at bus stops with real-time information, by computer-updated bus stop displays, about exactly when the next bus will depart.

Throughout the planning stages, extensive consultation has taken place with a variety of groups (particularly with people with disabilities) to ensure that the system works for all users; to this end, audio will be available at each stop to supplement the visual display. The system will also help bus drivers to run on time by telling them at any given location whether they are on schedule or not. This will also assist the Passenger Transport Board's management of bus services.

The state's traffic control centre is part of the system and will sequence traffic signals, when necessary, to help a late bus to make up time. Smart stops is a demonstration project to assess the latest equipment and to decide on the combination of capabilities best suited to meet Adelaide's needs. Evaluation of the project by the University of South Australia will ensure that the final system is compatible with future needs and technology. I thank all those honourable members in this chamber who use public transport frequently.

The Hon. DIANA LAIDLAW: I have a supplementary question. Can the minister indicate that the briefing note from which he has just read, prepared by the Minister for Transport, deliberately left out the fact that the former Liberal

government called that contract and that this government did not, fortunately, pull out of proceeding with it?

The Hon. T.G. ROBERTS: I am sure that there is a personal assistant's position coming up in the Minister for Transport's office shortly for someone to write the answers to the questions. I will refer the statement in the form of a question to the minister in another place and bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Has the minister caught a bus in the last 12 months?

The PRESIDENT: That is not a supplementary question.

The Hon. T.G. ROBERTS: I can answer that, Mr President. I have caught a bus in the last fortnight.

RESTORATIVE JUSTICE ADULT CONFERENCING

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about adult conferencing.

Leave granted.

The Hon. IAN GILFILLAN: In Australia, we have recognised the effectiveness of applying restorative justice principles when sentencing juvenile offenders. It is well understood that one of the major outcomes of juvenile conferencing is a marked decrease in the likelihood of re-offending. The first principle of restorative justice states:

> Crime is primarily an offence against human relationships and, secondarily, a violation of a law, since laws are written to protect safety and fairness in human relationships.

Restorative justice seeks to address the root causes of crime and put the offender into a frame of mind that stops them from re-offending. It is important to understand that restorative justice principles require the offender to admit guilt before being allowed to participate in a conferencing situation.

In June 2000, the New Zealand government announced funding to introduce restorative justice conferences for adult offenders. Recently, Justice John Robertson of the Queensland Children's Court was awarded an honorary doctorate by the Queensland University of Technology. In his acceptance speech, Judge Robertson spoke very favourably about the application of restorative justice principles and community conferencing as they apply to young offenders. In South Australia, Justice Mullighan addressed a public forum for the Centre for Restorative Justice and stated that he could see no legal impediment to the extension of restorative justice conferencing to adult offenders.

The minister who is taking the question on behalf of the Attorney-General will have particular interest in this matter himself. I call to his attention the operation of the Nunga courts that have been established for the Aboriginal community in South Australia. These courts operate in Port Adelaide, Murray Bridge and Port Augusta. As with other restorative justice approaches, an offender in these courts must plead guilty before being allowed to stand before the court. Unlike usual court procedures, the magistrate and the offender engage in a dialogue. The offender usually has a family member or community member who is sitting with them in support and is able to make undertakings to assist the offender with any promises that are made in the court. As an example of the success of this court, currently it has a 100 per cent attendance rate. Similar courts have been successful in Canada. I certainly invite the minister to make his own comments but, primarily, I suppose, my questions to the Attorney-General are:

1. Does he agree that restorative justice has been shown to be very effective with juveniles and in other jurisdictions with adults?

2. When will the government fund a trial of adult conferencing as an application of the principles of restorative justice?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the Attorney-General in another place and bring back a reply. I also add my comment, as invited by the honourable member. Restorative justice can offer, through community conferencing, and in other ways, alternatives to prison sentencing. Certainly, it can not only take the pressure off prison numbers but also offer alternative ways in which those people who have transgressed the law but who may not be hardened criminals can be rehabilitated in a way that prison sentences and/or being locked up in any other way can provide. I think that the restorative justice alternative should be explored. I will certainly refer the question to the Attorney-General. I am sure that the Attorney-General is also looking for alternative sentencing methods

GAMBLING RELATED CRIME

The Hon. NICK XENOPHON: My questions are directed to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling:

1. Will the Minister for Gambling advise the progress of the Independent Gambling Authority's (IGA) inquiry into gambling and crime announced over a year ago by his predecessor?

2. Has the authority recommended to the Minister for Gambling the terms of reference, the process for consultation and the time frames for the inquiry and, if so, when?

3. Is the minister concerned that over 12 months has elapsed since the inquiry into gambling and crime was announced? Does he consider that the delay in such a report being handed down is acceptable or unacceptable in the circumstances? Does this point to a lack of resources on the part of the IGA to deal with this important issue?

4. When can we expect to see such a report in relation to gambling and crime prepared by the IGA?

5. Given the minister's concerns set out in an *Advertiser* interview published on 18 March 2003 over self-exclusion laws, and the ability for problem gamblers to self-exclude and for third parties to intervene in certain circumstances, will the minister indicate whether he has asked the IGA to inquire into this matter and the timetable for such an inquiry and report, or whether the minister proposes to introduce legislative changes independent of the IGA on this issue?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

The Hon. A.J. REDFORD: As a supplementary question, how many times and how many ministers have announced this project and on how many occasions? I know of at least five.

The Hon. T.G. ROBERTS: I will refer those questions to the minister and bring back a reply.

MURRAY RIVER FERRIES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about Murray River ferries.

Leave granted.

The Hon. J.S.L. DAWKINS: Members would all be aware of the vital service provided to many South Australian communities by the Murray River ferries, which are operated under contract from Transport SA. Ferries are located at Lyrup, Waikerie, Cadell, Morgan, Swan Reach, Walker Flat, Purnong, Mannum, Tailem Bend, Wellington and Narrung. These services provide important transport links for residents, commercial traffic and, of course, tourists. Currently a 24-hour service is provided at all these ferry points, with users needing to ring a bell to alert the operator between midnight and 6 a.m.

Currently, considerable concern exists in Murray River communities following reports that the government is planning to close the ferry or reduce the hours of some ferry services. Indeed, the District Council of Loxton Waikerie has written to the minister indicating its strong objection to any such plans. My questions are:

1. Is the minister aware of the severe implications for emergency services and personal health that could be caused by the closure of or the reduction in the hours of ferry services?

2. Will the minister rule out the closure of any of the current ferry services?

3. Will the minister also rule out any reduction in the hours of operation of any Murray River ferry service?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions to the minister and bring back a reply. I do know that those ferries down on the lower reaches after Blanchetown will have trouble with the levels of the water in the Murray River, but at the moment I think most areas are able to be traversed.

TEACHERS, MALE

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the minister for education, a question about male teachers.

Leave granted.

The Hon. KATE REYNOLDS: In recent weeks concerns have been raised about the declining number of male school teachers in South Australian schools. Between 1992 and 2002 the proportion of full-time equivalent male school teachers declined from 25.8 per cent to 20.9 per cent of the teaching population in primary schools. The decline also continued in secondary schools, with numbers dropping from 49.4 per cent to 44.9 per cent. The combination of government policies and the decline in the status of, and lack of support for, the teaching profession has meant that fewer young men and women are choosing teaching as a career. Many experienced teachers, both male and female, have left the profession or retired early due to the increased complexity and difficulty of the job, the lack of career progression and the loss of support from employers. For many years male teachers have been under-represented in junior and primary schools and now it seems that secondary schools are heading the same way.

Schools need male teachers to provide healthy role models for younger boys, especially in today's society of non-traditional families, and to contribute to a diversity of skills, interests and expertise both in the classroom and in the workplace. However, my office has been told that many men are opting not to become teachers because of the risk of innocent situations being misinterpreted. The South Australian Primary Principals Association has identified a widespread fear of men working with young children as one of the key reasons for men deciding against teaching as a profession. The president of that association, Leonie Trimper, has been reported in the press as saying:

> I think the fear of being labelled a paedophile is a real worry for many men.

She went on to say:

> We need to address this as a society . . . we need to eliminate that fear.

She finished by saying:

> I think we should start getting valid reasons rather than anecdotal information as to why men aren't interested in teaching children.

The association has also called for a cooperative approach between the federal and state governments to address the situation. My questions to the minister are:

1. What steps have been taken by this government to address the decline in male teacher numbers in South Australian schools?

2. Will the minister act to ensure that the number of male teachers in junior primary, primary and secondary schools does not fall further and that the number is, in fact, significantly increased within four years? If not, why not?

3. Has the minister sought the assistance and cooperation of the federal government to address the situation? If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for what is an important question about a complex and difficult problem. I will refer her questions to the Minister for Education and bring back a reply as soon as possible.

ECONOMIC DEVELOPMENT SUMMIT

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Economic Development Summit.

Leave granted.

The Hon. D.W. RIDGWAY: Following the Economic Development Summit, your government has committed to a vision to treble the state's economic output over the next 10 years to some $25 billion. Yesterday, I noted in the news release issued by the Premier that the Premier has taken responsibility for the Economic Development Board and its final plan. The Premier said:

> As Premier, I am best placed to give the overall implementation of this plan the over-arching leadership, focus and clout it requires.

Primary industries makes a more significant contribution to our state's economy than any other sector. A quick check of the PIRSA web site yesterday confirmed the fact that there is some $7 billion output from PIRSA related activity.

To treble the economic output will require a significant increase in investment, infrastructure and support. Given the 12 per cent cut in the PIRSA budget last year, the axing of positions at the Loxton research centre and the cherry research station and the massive cuts in FarmBis programs

(just to name a few), which sectors of the PIRSA stable does the minister expect will be able to deliver the growth of $1.4 billion a year to achieve the Economic Development Summit's target?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): First of all, some of the claims in the honourable member's question were quite incorrect, such as when he talked about massive cuts to the primary industries budget and, particularly in relation to FarmBis, that was not the case. Let me remind the honourable member that the FarmBis budget was signed up by the previous government. It was a three-year program, but the previous government had put only two years' funding for that program into its forward estimates; in other words, it valued it for only two years. My department found many errors such as that (which I have detailed in the past) where there was no provisioning in the forward budget for a number of significant areas. Aquaculture was one and the mining exploration initiative was another.

Of course, we also had to contend with dealing with some of the budget leftovers of the previous government. For example, yesterday we were all reminded about the sale of the TAB. The Auditor-General reminds us that not only did we lose a potential shortfall of $2.9 million on the sale but, based on the 2001 financial information, the South Australian government has forgone and will continue to forgo in the order of $8 million a year through the sale of the South Australian TAB. The Auditor-General concluded that, based on the aforementioned financial information, it is difficult to conclude that the taxpayers of South Australia have achieved a satisfactory financial outcome ensuing from the restructuring of payments to the local racing industry and the disposal of the TAB.

Members interjecting:

The PRESIDENT: Members on my right will come to order!

The Hon. P. HOLLOWAY: That was just one of the numerous financial problems that the Rann government had to deal with on coming to office. If that $8 million was still available, then I am sure we would be able to spend much more—and not just on primary industries but on schools, hospitals, police and many other areas, but—

Members interjecting:

The PRESIDENT: Order! There is too much interjection and, as a result, members sitting at the back cannot hear.

The Hon. P. HOLLOWAY: Certainly, the government has had to make some tough decisions, and the report from the Auditor-General yesterday reveals one of the reasons why we certainly needed to do that. However, in relation to the—

Members interjecting:

The PRESIDENT: Order! I remind members of the opposition that they are using up their own question time by frustrating the minister; and there is too much audible conversation on that side of the council as well.

The Hon. P. HOLLOWAY: To return to the question of the Economic Development Summit, the honourable member is certainly correct that our primary industries in this state contribute about two-thirds of the state's exports, and of course many of the growth areas of the economy are within that sector, in particular, aquaculture, minerals and the food industry, to name just a few. Each of the three growth areas, which I have mentioned, already have industry development boards established. They were established by the previous government; they have been continued under this government. Those sectors have plans to set targets to grow their particular areas. The economic development plan of the state will depend on growth in a series of industries of which primary industries will be a key factor.

The report of the Economic Development Board recognises some of those areas, such as the wine and food industries, for example. They are exemplars of how growth has been achieved in the past and will continue to be achieved in the future. The Department of Primary Industries will continue to be central to the economic prospects of this state in terms of its growth. The honourable member, if he waits for another week or two when the budget is brought down, will see that this government is committed to the primary industries sectors of this state and the important role that they will continue to play.

The Hon. A.J. REDFORD: As a supplementary question, is it not true that there was never $8 million in the budget forward estimates in relation to the TAB sale, and will the minister now apologise to this place for giving that misleading impression?

The Hon. P. HOLLOWAY: What I just read out in relation to the TAB was a direct quote from the Auditor-General's Report. It is on page 3 if the honourable member would like to read it.

The Hon. R.K. SNEATH: As a supplementary question, does the minister think that the government will meet its goal even though the TAB sale has cost the government $20 million in income in future years, and how long will the taxpayers suffer through the sale of the TAB?

The Hon. P. HOLLOWAY: I thank the honourable member for his supplementary question. Certainly the privatisation process of this state has created a number of difficulties over this year. I believe we have seen in the past eight years—and I have pointed this out on a number of occasions—some $8 billion of assets sold, while state debt has been reduced by only some $6 billion. So, in excess of $2 billion was contributed to the debt of this state, net of asset sales, over that period. In spite of that, this government has set itself a tough fiscal goal: it has set itself the goal of achieving accrual balance over the term of the parliament. That is a significant and tough goal.

When we were in opposition I recall that the now Leader of the Opposition, when he was standing in this seat as the treasurer, used to challenge the opposition about what we would do about it when I raised this question of the government's accrual deficits. Well, that significant financial target will be achieved by South Australia. It will certainly require some fiscal discipline on behalf of the state. It will mean that, for the first time in many years, this state will be living within its financial means and will not be adding to the financial burden of future generations. This generation will not be spending on Bankcard and adding that burden to future generations. That is a very significant achievement.

To return to my colleague's important question, that job has been made so much more difficult by the previous government's decisions in relation to the sale of important institutions such as the TAB.

Members interjecting:

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

REPLY TO QUESTION

SEX EDUCATION

In reply to **Hon. A.L. EVANS** (24 March).

The Hon. P. HOLLOWAY: The Minister for Education and Children's Services has provided the following information:

The minister had not seen the letter, drafted by SHine as part of the introduction of the Sexual Health and Relationships Education (SHARE) program being pilot in 14 schools this year for students in the middle years (aged 11-15). The letter was a suggested draft proforma to guide schools in preparing their invitation for families about the program being introduced as part of the health program. This letter also included a return slip for parents to indicate they had received the information about the topic being held at their child's school and if they would be interested in an information session. This proforma was drafted by SHine as part of their teaching and learning materials. To more accurately reflect the practice of the Department of Education and Children's Services (DECS) another draft proforma was developed for schools to consider. I understand Port Lincoln High School initially used the SHine prepared proforma for Year 10 and all other schools have used the DECS prepared materials.

Parents are able to withdraw their children from this pilot program, as has been the practice in sex education in State schools, since the 1970s.

Under the direction of the chief executive of the Department of Education and Children's Services (DECS), principals at each of the schools nominated for the trial, have been instructed to ensure that parents give their informed consent for their child(ren) to participate. This includes the school offering a workshop for parents to learn more about the program, signing a consent form, teachers being available to answer any questions of the program, providing an opportunity for parents in the participating schools to contribute to the health and well-being teams being established.

The minister had neither direct nor indirect involvement in the drafting of the SHARE program. Under the Education Act 1972, responsibility for curriculum in government schools rests with the chief executive of the Department of Education and Children's Services. The materials which were drafted for use in the SHARE pilot program, prepared by SHine, included consultation with the Department of Education and Children's Services, Department of Human Services, Centacare, La Trobe University and materials from the Talking Sexual Health National Professional Development Resource for Teachers in Canberra.

MATTERS OF INTEREST

KAPUNDA FARM FAIR

The Hon. CARMEL ZOLLO: It was my pleasure to represent the Premier and minister Holloway at the 2003 Kapunda farm fair recently. The fair, which is a biennial event and one of the largest in the state, is held at the Kapunda Harness Racing Club grounds. President Marcus Hearl, Bill Adams for the Farm Fair committee and Caron Hipwell, Secretary, need special acknowledgment. Along with Mr Ivan Venning, the member for Schubert in the other place, and his wife Kay, we first attended the luncheon put on for the sponsors. I know that all were very impressed by and appreciative of the efforts of the students from Kapunda High School who are enrolled in hospitality studies as part of stage one of their SACE certificate. The eight students who waited upon the luncheon guests did so with a smile and presented smartly in their catering uniforms. Trish Sweet, their teacher, should be commended.

I must mention the special guest at the luncheon, Mr John Letts, one of South Australia's most successful jockeys. Apart from some not so politically correct jokes at the beginning of his speech, which were quite witty, he is an incredibly entertaining speaker who has had an interesting life—

An honourable member: Did you get all the jokes?

The Hon. CARMEL ZOLLO: —I did get them all—full of experiences very few would ever hope to have. He delivered his speech with great humour and some messages along the way.

The Mayor of the Light Regional Council, Mr Des Shanahan, and his wife, Margaret, were gracious hosts at the fairgrounds. There definitely was something for everyone at the fair, from people selling their produce to exhibitions promoting and showcasing all endeavours in the region. We spent a few minutes admiring some rare machinery that had been lovingly restored by committed enthusiasts, as well as chatting to the representative from the historical society. The preservation of the history of the region is so important and it is heartening to see such commitment.

The emphasis of the fair is obviously agricultural, with 63 per cent of the visitors being from the farming sector. Nonetheless, Kapunda is close enough to the metropolitan area to attract people from Adelaide and its suburbs. I note that the statistics tell us that visitors also attend from over 60 regional areas from around South Australia, Victoria and New South Wales. More importantly, apparently over one-third of the visitors attend to spend money and the fair attracts people from all age groups.

The careers expo this year was an excellent new initiative for young people from the area and those visiting. Schools, colleges, training providers, educational institutions, support agencies and employment agencies took up sites in a devoted marquee. All secondary students were invited to attend the expo as schools were invited to showcase their Enterprise and VET programs.

The expo also provided the opportunity for parents to avail themselves of the latest information on current career opportunities and options. The nature and type of employment has changed so much over the last few decades that it is difficult to keep abreast of the latest scholastic requirements for courses and the latest vocational education opportunities that present themselves. The more informed parents are of such prerequisites, the better equipped they are to assist their children in making informed choices.

The fair is an opportunity for the farming community to see in one place the latest farming machinery or to discuss agribusiness issues or to be better informed on government policy and its role. Information was available at the fair in relation to efforts being undertaken in response to the latest livestock diseases. PIRSA's role is an important one in making that information available, whether it be in relation to the active programs currently running or on general livestock issues.

For the many groups that provide leisure, recreational and community support, this is also an opportunity to bring people together to promote, to showcase and to recognise that talent and commitment. The Kapunda Farm Fair showcases the best of rural life and I congratulate all those involved on another successful fair. It was a pleasure to be a guest on the day.

FREE TRADE AGREEMENT

The Hon. DIANA LAIDLAW: The federal government has commenced negotiations on the implementation of a free trade agreement with the United States of America. This work is being progressed alongside the World Trade Organisation negotiations for a General Agreement on Trade in Services. As a starting point, the federal Minister for Trade, the Hon. Mark Vaile, has given various undertakings that the negotiations in relation to both agreements will not impair Australia's ability to deliver fundamental objectives in health care, education, consumer protection or, more generally, Australia's culture and identity.

Today I address only the issues of Australian culture and identity and do so specifically to plead the case for Australia to opt for the 'cultural exemption' in both agreements. This term was coined as a compromise when, during the countdown to the 1994 General Agreement on Trade and Tariffs, the French threatened to pull out unless they got agreement that films, television, radio and other forms of audiovisual entertainment would be excluded from the agreement. The protectionist move presented an impressive victory over Hollywood and a handful of international media giants whom the French feared would impose their will on the global entertainment market and wipe out all expressions of local culture.

The French government's uncompromising position on culture and identity leading to the cultural exemption clause highlighted to the world that the 1994 GATT legislation involved much higher stakes than the focus given to the negotiations to that time by the international media or our political leaders at large, namely, the traditional agriculture and manufacturing industry subsidies and trade ban areas, no matter how important one may deem them to be.

Today, nearly a decade later, with the USA achieving such dominant status internationally in all fields, the culture and identity stakes are even higher. We must be diligent to ensure that globalisation in trade and technology does not evolve into globalisation or Americanisation of culture. It is critical that individual nations around the world retain the culture and identity that distinguishes them and differentiates them, and they must maintain the means to promote that culture through arts and media. I consider that the coverage of the recent Iraq war, in particular the presentations by CNN and Foxtel, should be setting off alarm bells across Australia and worldwide about the dangers of free trade and globalisation of the media and audiovisual industries, let alone the prospect of an internationally dominant USA film, television and radio sector.

In this context I welcomed the meeting in the first week of February this year at the Louvre in Paris where representatives of professional cultural organisations from 35 countries, including Australia, met to campaign for the preservation of the cultural exemption and to promote the adoption by UNESCO of a global convention on cultural diversity as the best means to remove culture from the World Trade Organisation free trade talks. In Australia, this international campaign should also be waged in relation to the negotiations on the free trade agreement with the United States of America.

I also endorse the submissions presented recently by the Australian Coalition of Cultural Diversity and the Australian Writers Guild in response to the call by the Department of Foreign Affairs and Trade for comment on issues relevant to both GATS and the Australia-USA free trade agreement. The Australian Writers Guild represents some 200 members, and I quote in part its President, Ian David:

> The AWG considers trade to be one of our highest priorities in terms of current policy issues. This is a vital issue for every Australian because it is about whether we will have a distinctive voice with which to express ourselves in the future. To some, this may just be about trade—

that is, the trade agreements—

> commerce and access to markets. To us and to all Australians it should be about our heritage, our identity, our livelihood. What will be unique about being Australian if our songs, our stories, our pictures and ideas are crushed under the weight of the boot made somewhere else?

This is an important issue for the Motion Picture Association in the United States of America, because, as I and others call for the cultural exemption in the trade talks between Australia and the USA, the motion picture industry is equally adamant that media and culture must remain as central parts of the free trade negotiations. That is clearly not in our national interest.

CLASSIC BOATS REGATTA

The Hon. J. GAZZOLA: On 5 April I had the pleasure of attending the inaugural Stansbury and Port Vincent Wooden and Classic Boats Regatta, otherwise known as the Yorke Peninsula Little Saltwater Classic. Before I inform the council of this delightful event I will trace the maritime history of the area and how the event came to fruition. The event highlights and acknowledges the wonderful history of fishers, mariners and boats that operated in local waters last century and in the 1800s. The history of trading ketches and steamers operating out of Stansbury and Port Vincent is well known. Goods, mail and people were moved in and out of these ports to grow and serve the region and contribute to its economic prosperity.

Old salts and boat buffs will remember the names of steamers and trading vessels that plied their trade: the *Napier*, the *Juno*, the *Ceres* and the *Kooraka* were among those that ran the regular service to Port Adelaide. A number of pioneer fishermen worked their boats from Oyster Bay at Stansbury and from Port Vincent. In clement weather fishermen would sail their live catches to buyers at Port Adelaide. The same fishermen, one of whom was Mr Jack Gill, a prominent identity, would race their boats, and for many years Mr Gill sailed his boat to Glenelg to compete in races associated with Foundation Day.

There is an abundant and wonderful history of boat racing between the two coastal towns and, together with the merchant trade, the regatta from Port Vincent to Stansbury revives and celebrates this colourful history. Members might be wondering how this event began. It was from a bit of boating fun, to quote Mr John Elliott, as reported in a 'Statewide' feature in the *Advertiser*. An organising committee comprising members from the Stansbury and Port Vincent Progress Associations, representatives from local oyster groups, the Coast Guard and local traders was formed to create an annual event that attracted, in its inaugural years, some 50 entrants from South Australia and even from interstate.

The pleasure is not confined to just a feature event. As well as the reception and the official launch from the new marina, there was foreshore dining, displays and entertainment at sail's end, all conducted in beautiful autumn weather. While the success of the event is measured by the enjoyment and well deserved community pride, there are other tangible benefits. The annual event will value add to the already

apparent growth in tourism and commerce on the peninsula and provide another avenue for recreational enjoyment, maritime history and, last but not least, educational opportunities in the form of sponsorship of self-development voyages for regional students aboard the vessels the *Failie* and the *One and All*. This is all good news.

My only regret, as members opposite will appreciate, is that I may be forced from my palatial beach resort because of the rapid influx of tourists. There are many individuals and sponsors to thank. I will not mention them all, but special mention must be made of John Elliott, Pat Edwards, Phil Melling, Trevor Gill and Richard Carter. There were many sponsors and supporters—too numerous to name—and their generosity is acknowledged. Next year will see the regatta travelling from Stansbury to Port Vincent, and there is no doubt that this community event will become an established item on the tourist agenda.

In closing, it has been only the residents of these lovely towns along the coast of Yorke Peninsula who for too long have known the pleasures of a sea change, something which I am sure will change dramatically with the guaranteed future success of the Little Saltwater Classic.

WORKCOVER

The Hon. A.J. REDFORD: Over the past few weeks the opposition has raised some serious issues concerning WorkCover, its solvency and the role of minister Wright, which has oscillated between inactivity and inappropriate interference. We have seen the worst performance from a minister, with the possible exception of minister Hill. Indeed, the Hon. Ian Gilfillan raised an extremely concerning issue yesterday relating to delays in payments to injured workers by WorkCover—an extraordinary development which is of concern. The biggest issues that can be laid at the feet of the minister are the extraordinary deterioration of the financial position of WorkCover over the past 15 months; the failure of the minister to acknowledge board concerns regarding the financial position; the extended vacancy of the position of CEO; the establishment of the extraordinary and costly Stanley review, which recommended substantial cost increases to the system at a significant cost to WorkCover; and the extraordinary demise in WorkCover morale, with sick leave going through the roof.

Yesterday in another place the minister made two comments: first, in relation to the Leader of the Opposition, that 'every accusation made by him has been wrong'. Well, over the next six months it will be SA folklore that it is the minister who has been wrong. The annual report tabled in October last year reports two things: first, the serious decline in share price values that contributed significantly to the deterioration of WorkCover's financial position; and, secondly, that the board had been directed in writing to permit a nominated observer to attend all board meetings and committee meetings and have access to all papers—in other words, the minister's eyes and ears. In June last year the minister told us that there had been a financial deterioration because of return to work issues and international outcomes, yet whenever he has been asked about this subsequently he seeks to blame others—the former government, the board and so on.

Members interjecting:

The PRESIDENT: Order! there is too much audible conversation.

The Hon. A.J. REDFORD: Since he took over, the financial position has deteriorated by nearly $300 million in 12 months. Its health index has dropped from 120 per cent to under 60 per cent in the past 12 months. Now we have several leaks from a range of sources (and not from the former CEO; they are current and very close to the minister) that the minister has interfered with board and management positions, yet he hides behind the board. The accusations which the minister says are all wrong are, as follows:

1. That he was advised when he came to government that the levy should increase to 3 per cent and the Treasurer subsequently intervened to prevent that increase.

2. The minister told the board that the best way to deal with the liability was to extend the pay back period.

3. The minister was subsequently advised that the levy rate should go to 3.9 per cent, yet he increased it to only 3 per cent and extended, despite proper underwriting and insurance practice, the payback to a period of 10 years.

4. The morale of claims officers is at an all time low, as evidenced by sick leave and other leave issues.

5. The CEO position still has not been resolved and nothing has been said by the minister as to how he proposes to fix it.

That WorkCover faced difficulties last year is not in question. However, the only activity we have seen from the minister and other ministers he seeks to impress is the employment or attempted employment of friends and family. We in opposition will pursue this issue and this incompetent minister. The minister is running out of time; he is running out of excuses; and he is running out of friends. Soon he will be run out of office.

The PRESIDENT: I draw to honourable member's attention the fact that matters of interest are not substantive motions, and members need to pay close attention to standing order 193.

HOUSING, TENANT ADVISORY SERVICE

The Hon. KATE REYNOLDS: Members may not be aware that South Australia is the only state without an independent, non-government tenants' advice and advocacy service available to all renters. Such services are directly associated with a decrease in housing stress, dislocation and homelessness. Experience interstate has shown that both tenants and landlords benefit from access to education about their rights and responsibilities. The cost to government of administering the Residential Tenancies Tribunal could be expected to decrease as a result of diverting tenants and landlords away from dispute hearings.

The Australian Democrats recognise that the rental market has changed considerably in recent years, and for this reason we support the call by housing advocacy organisations to establish a tenants' advisory and advocacy service in South Australia. Private rental is no longer seen as a short-term stepping stone to home ownership. The number of long-term renters is growing, with more than 40 per cent of people in Australia renting for 10 years or more. The lack of affordable housing, difficulties in gaining home loans through growing casualisation of the work force and an increasing number of low income and single occupant households has offset any benefits of the first homeowners grant.

The continuing loss of social housing for low income earners in this state compounds the problem, while at the same time the federal government is spending more than $1 billion every year on commonwealth rental assistance

to subsidise people in private rental accommodation. Approximately one quarter of dwellings in South Australia are rented privately, and even with commonwealth rent assistance most of the 100 000 households in the private rental market pay more than 25 per cent of their weekly income in rent.

Vacancy rates for the private rental market have been very low at 1 to 2 per cent for some years now, with very few homes available at the lower cost end of the market, while at the same time the number of low income families in this state continues to increase. This means that those groups in society who are already doing it tough, including indigenous people, sole parents, people receiving Centrelink payments and young people find it increasingly hard to compete in the private rental market.

Few residents or proprietors of boarding houses understand their rights and responsibilities, and long-term caravan park residents have no legislative protection. The lack of security of tenure in the private rental market, affordability issues and limited consumer protection all point towards the need for an independent advisory and advocacy service. Of those tenants who do understand their rights, many fear eviction or persecution if they exercise those rights. This frequently results in people being forced to live in inadequate or precarious housing, suffering loss of tenancy and, increasingly, the homelessness of individuals and families.

The Office of Consumer and Business Affairs cannot provide interpretation of the Residential Tenancies Act or the tribunal, nor can it advocate on behalf of renters. Housing Advice and Support SA provides only a limited service to clients of the Housing Trust, the Aboriginal Housing Authority and some community housing tenants. The Residential Tenancies Advisory Service's 24-hour hotline is a private business operating nationally from an office in Adelaide. It costs 90 cents per minute, and no state government has any opportunity to monitor the nature or the accuracy of its advice.

The Australian Democrats support the call of organisations such as Shelter SA for the state government to bring South Australia into line with other states by funding an independent consumer focused advice and advocacy service to help tenants understand their rights and responsibilities as they relate to starting a tenancy, bond issues, discrimination, access, privacy, repairs, maintenance, share accommodation, rent, termination of tenancy and eviction.

I note that landlords and agents are not required to contribute to the cost of the existing advisory services, which directly benefit the real estate industry. It seems grossly unfair that tenants receive no universal benefit from the $48 million in bond moneys held by the state government, a portion of which could immediately fund a proper tenants' advice and advocacy service.

All renters in South Australia are entitled to access information and advice that is in their best interests and which aims to ensure a fair balance of power between a tenant and their landlord, and we call on the government to act to make this possible.

GAMBLERS, PROBLEM

The Hon. NICK XENOPHON: Recently, in an interview published in the *Advertiser* of 18 March, the Minister for Gambling spoke about the need to have an early intervention strategy when dealing with problem gamblers. As I understood it, that included the issue of self-exclusion. The article was entitled 'Families to keep gamblers out of harm's way'. It commenced by stating:

> Family members will be able to seek court orders stopping problem gamblers from entering gaming rooms under legislation being considered by the state government.

I was very pleased to see that the Minister for Gambling was picking up on a suggestion that I had made some two years ago in this chamber, when the previous government's gambling legislation was considered. It is an important issue whereby individuals, who are at the end of their tether and who need help—and this may be either the problem gambler or family members who have seen their savings or the household budget blown on gambling (more often than not on poker machines)—have been, in effect, powerless to deal with this issue.

The current barring provisions under the Gaming Machines Act allow only a licensee to serve an order on a person, but approved gaming machine managers, unless they are also the licensee, and gaming machine employees do not have the authority to bar. This seems incongruous, given that they are often the people at the front line who can observe whether a person has a significant problem.

Barring may also be initiated on the request of the gambler—a self-barring request. Similarly, the Independent Gambling Authority can bar individuals, and it has done so on a number occasions. It is one of the services that the authority provides, and that is clearly a good thing. The information that I have from the authority is that, as at 30 June 2002, 73 individuals self-barred via the Independent Gambling Authority. However, that is really only the tip of the iceberg, when you consider independent reports that indicate that some 20 000 individuals in this state have a significant gambling problem, and the majority of the problems are due to poker machines. Indeed, one study carried out by the Centre for Economic Studies for regional councils indicates a figure in the vicinity of 23 000 individuals who are in some way affected by or who have a gambling problem because of poker machines.

Recently, the Gambling Research Panel in Victoria published a report on the issue of self-exclusion and the adequacy of procedures. The report, 'Evaluation of self-exclusion programs', pointed out in its key findings:

> The current system of self-exclusion in Victoria was not capable of enforcing self-exclusion due to problems with identifying self-excluded patrons who breach their deeds.

It went on to state:

> This is not assisted by the low level of resource commitment to the program and lack of enforceable compliance procedures in the industry itself.

It also stated that the program has a low utilisation rate, similar to that in South Australia, and that the number of gamblers who utilise the self-exclusion program at Crown Casino was between 2.5 and 3.5 per cent of problem gamblers. In effect, something like 96½ to 97½ per cent of problem gamblers do not have access to or have not utilised the self-exclusion program, when obviously many more either would have been eligible or could have sought assistance or, alternatively, family members could have sought intervention, which they cannot do under our current legislation. The report went on to state that there were a number of fundamental deficiencies in the self-exclusion scheme in Victoria and that a number of changes needed to be made to ensure that self-exclusion would be more systematic and effective and ensure that individuals can get assistance.

We have a long way to go in this state in dealing with issues of self-exclusion. It is a source of great frustration for families who have seen a family member devastated by gambling addiction who has not sought help for whatever reason. I welcome the gambling minister's comments in relation to this issue, and I hope that they are followed up with positive legislation in the very near future. Given that the South Australian position is very similar to that in Victoria, clearly much has to be done by way of reform.

MUSIC ON THE MURRAY

The Hon. J.S.L. DAWKINS: I was pleased to attend the Music on the Murray event held at Waikerie on Easter Sunday. This event centred around performers situated on two barges moored on the western banks of the River Murray, with adjacent trees being floodlit in combination with the Easter moon.

This event was the brainchild of Mr Dean Grosse of Ramco, who was inspired while holidaying on a houseboat almost 15 years ago. As a result, he called upon a friend with the idea, who put him in touch with Mr Tim Sexton, the well-known Adelaide conductor and musical arranger. Once Mr Grosse had convinced Mr Sexton to take part, he set up a committee of seven local Waikerie people, who worked tirelessly to see the event come to fruition. It had been almost 40 years since Waikerie had been given the opportunity to host such a high quality cultural event. Of equal note were the messages that were highlighted throughout the performance about the health of the river and the importance of the river to South Australia.

Music on the Murray featured 100 voices from the Adelaide Philharmonia Chorus, 100 voices from the combined efforts of the Riverland Choral Group and the Waikerie Community Choir and the Adelaide Arts Orchestra, who were all conducted by Tim Sexton. Guest artists, baritone David Thelander and soprano Deborah Caddy, were complemented by Riverland soloists Desiree Frahn of Paringa and Darren Trandafil of Waikerie.

This event was a wonderful occasion for Waikerie, attracting an estimated 1 800 people. However, Music on the Murray would not have happened without significant community sponsorship, with major support coming from Waikerie dealership, Sutton Ford. One of the barges used was a redundant Transport SA ferry, which was pushed from Morgan to Waikerie (and back) for the event by Mr Peter Teakle of Akuna Station with his paddle-steamer, the Akuna Amphibious.

The program included a wide variety of music, including religious items such as the *Hallelujah Chorus*, to match the occasion of Easter. Other items included African music and medleys from the *Phantom of the Opera* and *Porgy and Bess*. Humour was added to the program when the Riverland's own 'three tenors'—David Tardrew, Bruce Casey and Brian Martin—performed *O Sole Mio*. The setting and perfect weather combined to set the scene for a memorable event. However, I pay tribute to Dean Grosse, his small committee and the many other volunteers who made this unique musical event possible.

I understand that the committee hopes to stage another Music on the Murray in Waikerie in 2005. I wish them well in their endeavours and, if such an event becomes available, I commend other members of this chamber to attend. Just to sum up how important that event was for Waikerie and the Riverland, a letter written to the *Murray Pioneer* on 25 April this year from the now outgoing Mayor of Loxton-Waikerie, Mrs Jan Cass, states:

> May I, on behalf of the whole community, congratulate and thank Dean Grosse and his hard-working committee on the absolutely stunning night they gave us at Sutton Ford Music on the Murray.
> What a fantastic night it was, which will live long in the memory of all who attended the event at Waikerie on Easter Sunday.
> The music was superb with Tim Sexton the conductor, the Adelaide Art Orchestra, the Adelaide Philharmonia Chorus, the Riverland Choral Group and the Waikerie Community Choir along with soloists giving a performance we will never forget.
>
> There are no words good enough to describe the magnificent setting, with the fireworks the icing on the cake. The whole event was so well set up and organised, and I know the whole committee have worked extremely hard for us for almost two years to bring this event to us.
>
> Congratulations to all who had a part in staging the Sutton Ford Music on the Murray.
> Well done Waikerie.

MINING (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. SANDRA KANCK: I move:

Page 3, after line 14—Insert:

(1) Section 15(2)—delete subsection (2) and substitute:

(2) A person exercising a power under this section—

(a) must not recover from any land more minerals than are reasonably necessary for the purpose of making the relevant investigation or survey; and

(b) must not unnecessarily impede or obstruct the lawful use or enjoyment of any land by an owner of the land.

My reason for moving this amendment is that the bill is amending section 15 so that certain activities are no longer defined as being mining activities. This means that anyone to whom the minister has given approval can go into an area and remove geological specimens or samples. This amendment, I think, is sensible, because it makes clear that, in terms of removing geological specimens or samples, it can only be in terms of what is reasonably necessary rather than, as I suggested yesterday in my second reading contribution, taking out a truckload or wheel-barrow load. I think that it is a simple point of clarification.

The Hon. P. HOLLOWAY: The government accepts the amendment. Subclause (2)(b) would have applied under the previous conditions anyway, that is, 'a person exercising that power must not unnecessarily impede or obstruct the lawful use or enjoyment of any land by an owner of the land'. That is really restoring the current position. With respect to subclause (2)(a), the government accepts that that is a reasonable clarification of the position. Certainly, there would be no intention that more minerals should be taken than necessary for the investigation being undertaken. The government is quite happy to accept this amendment.

The Hon. T.J. STEPHENS: I indicate the opposition's support for this amendment. We were happy to support the bill in its initial form but see this amendment as sensible, and therefore we are happy to support it.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7.

The Hon. SANDRA KANCK: I move:

Page 3, line 32—Leave out 'determined by the minister' and insert:

prescribed by the regulations

As currently worded in the bill, this clause allows the minister to give approval in a manner and form determined by the minister, which seems to the Democrats to be much too open. It was suggested that the minister might meet someone at a cocktail party and just give the nod and say, 'Yes, you can go ahead.' I do not expect that minister Holloway would do that but, nevertheless, it is a little wide. Again, I think it is sensible to make it clear so that any company will know the rules so that it is a level playing field and, as a consequence, we are suggesting that this needs to be prescribed by regulation.

The Hon. P. HOLLOWAY: The government opposes the amendment. But let me make it clear for the honourable member that, in fact, a form is used for the lodgement of exploration licence applications. I want to make that clear. There would be some problems with the amendment if it was carried. I will make a number of points. Currently section 29 of the Mining Act already sets out what details need to be included in an application. What we were doing with this bill—

The Hon. Sandra Kanck: Why do we have this provision here then? You can authorise in a manner and form.

The Hon. P. HOLLOWAY: I will come to that in a moment. The government is following the trend set by the Petroleum Act by moving away from more prescriptive type regulation towards objective based regulation; that important point needs to be made. More relevant to the honourable member's question is that the South Australian Resources Information Geoserver (SARIG), which is a million dollar initiative of the government, has a component for the electronic lodgment of exploration licence applications, and enforcing a prescribed form would require substantial and expensive changes to that SARIG system.

The SARIG system has been very well received by industry. If this amendment is successful, that would change, and that is something that would be not only expensive but we believe unnecessary. The requirements are set out in section 29, and if one were to use SARIG—the computer based electronic lodgment system—all the information required would have to be transmitted through that information system. If we were to accept the honourable member's amendment, that would no longer be the case, so it is essentially for that reason that we have a problem with the honourable member's amendment.

The Hon. T.J. STEPHENS: On behalf of the opposition, on this occasion we are in concurrence with the government and we oppose the amendment for many of the reasons that the minister has just outlined.

The Hon. SANDRA KANCK: I am still unclear about the response the minister has given in relation to why we have clause 7, which gives the minister the power to give this approval in a manner and form determined by the minister, if it is already in section 29 of the act.

The Hon. P. HOLLOWAY: I am advised that currently section 29 of the act just requires an application in writing; it does not actually set it out. The reason we moved the amendment in the first place was for industry to be obliged to use the pro forma application supplied by PIRSA which sets out all the requirements listed under section 29, which ensures that all applications received are consistent in format and the depth of information to be supplied. Currently, industry uses that form only by means of departmental policy, so in other words what the honourable member is trying to get at is some certainty in relation to application lodgment. That is what is happening at the moment, but it is not backed by teeth. All the current act provides is 'in writing'. We are inserting 'in a manner and form determined by the minister'. What I will be determining is that information, that current form and that current electronic lodgment that is there on the SARIG site at the moment.

The Hon. SANDRA KANCK: I am still somewhat mystified. Why do we have an amendment to section 7 rather than an amendment to section 29? If section 29 provides that it has to be in writing, will section 7, on the basis of this open approval, override section 29?

The Hon. P. HOLLOWAY: Clause 7 of this bill amends section 29 of the act, so with clause 7 we are amending section 29(1) of the Mining Act, which provides:

delete 'in writing' and substitute:
made in a manner and form determined by the Minister.

Through this bill we are amending section 29 of the Mining Act.

The Hon. SANDRA KANCK: I seek further clarification. At the present time it provides that it must be in writing. The government's intention is to allow electronic lodgment, which I assume is the intention of this amendment in the bill. Why are we not specifying electronic lodgment?

The Hon. P. HOLLOWAY: I am advised that this goes beyond just electronic lodgment. Certainly, electronic lodgment through the SARIG system is an important and well accepted innovation. We would like that to continue, but there is more to it than that. I have sought some advice in relation to how many applications are lodged through SARIG and how many through other means. Electronic lodgment is still relatively minor in the total proportion of lodgments, so we still need the manual lodgment; however, one would expect that to grow into the future as electronic lodgment becomes more commonplace. As we develop the service we would obviously expect that to grow, but at this stage there is still manual lodgment as well. The manual form is departmental policy but not backed by the act, but the information required there by current policy would be the same as that which we would require on the SARIG web site.

The Hon. SANDRA KANCK: The Democrats think that electronic lodgment is a good idea. I remember when we dealt with the Petroleum Act a couple of years ago we were responsible for amending it so there was much greater use of web sites for information and so on. So, we are supportive of that, but our concern remains about the open ended nature of this; it does not specify what it is that is required. I can read the numbers; I know we will lose the amendment, but I want to put on the record that the Democrats are not happy that it is left in this open ended fashion.

The Hon. P. HOLLOWAY: If I specify what is in section 29 of the Mining Act at the moment it might give the honourable member some comfort in relation to that. Section 29 provides that an application for an exploration licence must be in writing and must be lodged with the Director of Mines. That is what the current act provides, so we are saying that it must be in the manner and form determined by the minister. Then subsection (2) provides:

The applicant shall forward with an application for an exploration licence—

(a) the prescribed application fee; and

(b) a map on which are delineated the boundaries of the land in respect of which the licence is sought; and

(c) a statement outlining the exploratory operations that the applicant proposes to carry out in pursuance of the licence, showing the estimated expenditure to be incurred in carrying out those operations; and
(d) a statement of the technical and financial resources available to the applicant; and
(e) a statement of the nature of the minerals for which the applicant proposes to explore.

It further provides:

An applicant shall, at the request of the minister, furnish such further information in relation to his application, or such evidence in support of his application, as the minister may require.

Perhaps we could have amended the gender language while we were at it. I apologise for that; if I had noticed it I would have added that as well.

That information is required now. As I said, let me assure the honourable member that it is already departmental policy to have a policy setting out this sort of information which puts it into a proper form. In fact, I can provide the honourable member with one, and I will hand this to the honourable member in a moment. She can see that all the information is on the form. That is what we will be requiring under this clause, if it is carried.

Amendment negatived; clause passed.

Clauses 8 to 19 passed.

Schedule.

The Hon. P. HOLLOWAY: I move:

Page 8, lines 2 to 4—Leave out all words in these lines and insert:
Interpretation
1. In this schedule—
'commencement date' means the date on which sections 6(1) and 8 of this act come into operation;
'pre-amendment application' means an application under the principal act lodged with the Director of Mines before the commencement date;
'principal act' means the Mining Act 1971.
Transitional provision
2. The amendments made by sections 6(1) and 8 of this act do not apply with respect to—
(a) an exploration licence granted on the basis of a pre-amendment application; or
(b) the renewal of an exploration licence if the licence was granted before the commencement date, or on the basis of a pre-amendment application; or
(c) a subsequent exploration licence under section 30AB of the principal act (as enacted by this act) if the former licence was granted before the commencement date, or on the basis of a pre-amendment application.

The transitional provision currently sets out that any exploration licence applications which have not yet been offered to proponents at the time the bill comes into operation will be subject to the new proposed section 30AA.

Section 30AA sets out that the maximum area of a licence will be 1 000 square kilometres. This cut-off point will be an administrative nightmare for both PIRSA and the exploration companies, as those applications that have not yet been subject to an offer will have to be recalled and returned to each applicant with a request for the area originally applied for to be reduced so that it no longer exceeds 1 000 square kilometres. Alternatively, the applicant can make a written application seeking my consent to retain the same area originally applied for. Regardless, it is considered to be more practical and efficient for all parties if the provisions of section 30AA apply only to those applications lodged after the date that the bill comes into operation.

In addition to the above, an inconsistency between section 30AA and the proposed section 30AB (which deals with subsequent exploration licences) has also been identified. The subsequent exploration licence can be issued over all (or part of) the same area of the former licence that had reached its aggregate term of five years. The inconsistency lies in the fact that the area of the previous licence may have been up to 2 500 square kilometres. Subsequent exploration licences will already be subject to up to double the normal expenditure commitment, and to impose a dramatic reduction in area is not considered fair.

Further, consultation with industry in relation to the bill did not refer to section 30AA applying to the lodgement of subsequent exploration licence applications. Consequently, I have moved this amendment to address those matters.

The Hon. T.J. STEPHENS: Again I indicate opposition support for these measures which the government wishes to implement.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

LIQUOR LICENSING ACT

Notices of Motion: Private Business, No. 3: Hon. J. Gazzola to move:

That the regulations under the Liquor Licensing Act 1997 concerning dry areas—Coober Pedy, made on 16 January 2003 and laid on the table of this council on 18 February 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this notice of motion be discharged.

Motion carried.

MINES AND WORKS INSPECTION ACT

Notices of Motion: Private Business, No. 5: Hon. J. Gazzola to move:

That the regulations under the Mines and Works Inspection Act 1920 concerning approval of activities, made on 16 January 2003 and laid on the table of this council on 18 February 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this notice of motion be discharged.

Motion carried.

COOBER PEDY LAND

The Hon. J. GAZZOLA: I move:

That the District Council of Coober Pedy by-law No. 3 concerning local government land, made on 16 December 2002 and laid on the table of this council on 18 February 2003, be disallowed.

I comment that the speech I am about to give in relation to by-law No. 3 will also be relevant to the next Notice of Motion, Private Business No. 9, by-law No. 4 in relation to the District Council of Coober Pedy, dealing with roads, and I will not seek to repeat it.

The Legislative Review Committee first considered these by-laws at its meeting on 30 April 2003. It noted that the by-laws restrict canvassing, which means that a person must obtain council permission to convey any advertising, religious or other message to any bystander, passer-by, or person on council land or roads.

The by-laws would require a political candidate to obtain council permission to convey a message to bystanders as part

of his or her election campaign. The committee noted that this could unduly restrict political campaigning and therefore undermine the importance of free speech. Other councils have also noted the importance of political campaigning and for this reason generally exempt political candidates from this restriction. The committee wrote to the Coober Pedy council about its concerns and received a response from its chief executive officer on 2 May 2003. In that letter he stated:

> It was never the intention at the council to apply these particular by-laws to political canvasses and/or political candidates and to that end it is my intention to have council resolve at their next meeting an exemption for such persons. I confirm that such an exemption would be made for clause 2.11 of by-law 3 dealing with local government land and clause 2.6 of by-law 4 dealing with roads.
>
> It is my intention that the exemption will provide that any restriction contained within these clauses shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a federal, state or local government election or to a handbill or leaflet given out or distributed during the course of and for the purposes of a referendum.

That was the letter sent to the committee by Mr Trevor McLeod, Chief Executive Officer of the District Council of Coober Pedy. It therefore appears that the restriction was an oversight. However, the committee noted the measures it has taken to inform councils of the need to allow political canvassing. It first contacted the Local Government Association in May 2001, and previous presiding members of the committee had in the past participated in meetings with presidents of the Local Government Association in which matters such as restrictions on political canvassing were addressed.

Consequently, by-laws that have come before the committee over the past two years have consistently incorporated political canvassing exemptions. The Coober Pedy council supports such an exemption but failed to draft its by-laws accordingly. Therefore, the disallowance of the District Council of Coober Pedy by-laws will require it to prepare new by-laws and therefore gives it an opportunity to incorporate the exemption.

Motion carried.

ROADS, COOBER PEDY

The Hon. J. GAZZOLA: I move:

That the District Council of Cobber Pedy by-law No. 4 concerning roads, made on 16 December 2002 and laid on the table of this council on 18 February 2003, be disallowed.

Motion carried.

INDEPENDENT GAMBLING AUTHORITY

The Hon. A.J. REDFORD: I move:

That this council notes the performance of the Independent Gambling Authority.

On 1 October 2001 the former Gaming Supervisory Authority was re-established as the Independent Gambling Authority. The authority was given a broader responsibility than its predecessor, being responsible for the casino, gaming machine or poker machine venues, the South Australian TAB, racing clubs and State Lotteries.

Section 11 of the Independent Gambling Authority Act sets out its functions, which include the development and promotion of strategies to reduce the incidence of problem gambling; undertaking, assisting and coordinating research into the social and economic costs and benefits to the community of gambling and the gambling industry; the likely impact on the community of any new gambling product or activity that might be introduced; strategies for reducing the incidence of problem gambling and preventing harm; and, finally, supervising the operation of licensees under gambling acts.

Section 11(2a) is an important part of the recommendation. It provides:

> In performing its functions and exercising its powers under this act or a prescribed act the authority must have regard to the following objects:
>
> (a) the fostering of responsibility in gambling and, in particular, the minimising of harm caused by gambling, recognising the positive and negative impacts of gambling on communities; and
>
> (b) the maintenance of a sustainable and responsible gambling industry in this state.

So, we have a provision which requires the authority to maintain a sustainable gambling industry.

The process that led to the establishment of this legislation was something that I had some part in in conjunction with the Hon. Nick Xenophon, the Hon. Rob Lucas and the Hon. Mike Elliott who, at various times since 1997, have agitated for this reform. It was variously discussed by the Social Development Committee in its August 1988 report at the time of the numerous debates on poker machine freezes and during the course of legislation introduced by the Hon. Nick Xenophon and subsequently by the Hon. Mike Elliott.

Indeed, on one early occasion in relation to the debate for the establishment of such an authority I found myself in quite unusual territory when I voted with the Hon. Mike Elliott and the Hon. Nick Xenophon, where we lost 14 votes to five. In any event, our 'radical' manoeuvre ultimately succeeded. On 7 December 2000 the Premier announced a task force to look at the issue of poker machines and gambling, to be chaired by the Hon. Graham Ingerson. It was known as the Gaming Machine Review and comprised the Hon. Graham Ingerson, Stephen Richards, chair of the Heads of Christian Churches Task Force on Gambling, Dale West, Executive Director of Centacare Catholic Family Services, Mark Henley, Senior Policy Adviser of the Adelaide Central Mission, Peter Hurley, President of the AHA, John Lewis, Executive Director of the AHA, and Bill Cochrane, Vice President of Clubs SA.

It completed its complex and onerous task on time, and in May 2001, following its recommendations, legislation was introduced by the Premier. The recommendations were adopted unanimously with the exception of Bill Cochrane, who was the Vice President of Clubs SA. In introducing the legislation the establishment of the IGA was described as a 'key measure'. There was some scepticism however, particularly from the Hon. Paul Holloway (and I refer members to the *Hansard* of 17 May 2001 at page 1497), and that scepticism was shared by the Hon. Nick Xenophon. The legislation introduced at the time did five things:

(i) establish the authority;
(ii) continue the freeze so the authority can assess the value of a freeze;
(iii) provide extra funding for the Gambler's Rehabilitation Fund;
(iv) incorporate Codes of Practice; and,
(v) incorporate a range of measures such as banning autoplay, cash limits banning note acceptors.

Indeed, at the time of the introduction of the legislation a number of assertions were made and there were a number of specific items that it was said would be referred to the Independent Gaming Authority for its assessment.

In the circular which was delivered to all Liberal members at the time and which reflected the cabinet submission made at the time, a number of comments were made. First, the circular stated:

> It is envisaged that utilising the resources and expertise already in existence within the GSA will eliminate the need to 're-invent the wheel' or create a new bureaucratic structure to oversee gambling regulation in South Australia. . .
>
> It is proposed that the authority will have responsibility for regulating existing industry codes of practice. In the first instance it is proposed, as a starting point, to pick up the existing Gaming Industry Code of Practice and its Advertising and Promotion Voluntary Code of Practice in addition to any other existing industry codes. All gambling codes will be subject to a compulsory regulated code of practice administered and reviewed bi-annually by the authority.

The paper continued and referred to the overarching object of the authority, which was as follows:

> The key factors affecting the actions and decisions of the new authority should be to foster responsible gambling and in particular to minimise harm caused by problem gambling, recognising the positive and negative impacts of gambling on communities and the maintenance of a sustainable and responsible recreational gambling industry.

Indeed, under the heading '. . . Research into the Economic and Social Impacts of Gambling', the paper—and members can assume that this was the submission to cabinet—stated:

> It is proposed that the authority will become the government's principally endorsed gambling research body. At this stage it is envisaged that the authority will perform research functions in four key areas:
>
> · Social and economic costs and benefits of gambling activities (including research into new gambling products and industry trends)
> · harm minimisation measures
> · conduct gambling prevalence benchmark studies on a regular basis
> · involvement in national research projects.

Indeed, the paper went on to mention the specific issues that ought to be referred immediately to the new authority—and I emphasise the word 'immediately'. The paper stated:

> The issues to be referred are as follows:
>
> · Whether the cap on gaming machine numbers in South Australia should continue or whether any other mechanism to address gaming machine numbers should be introduced in keeping with the over-arching responsibilities of the authority (this review should take into account issues relating to the transferability of machines and possible provisions for greenfield developments and clubs).
> · Pre-commitment schemes.
> · Game functionality issues. . .
> · Measures to support informed consent for all gambling products.

The paper went on to say, significantly:

> It should be noted that this list of issues is by no means exhaustive and the authority will be required to investigate any issue as determined by the minister. It should be noted that the government will be developing separately measures to assist the clubs industry.

Under the topic of the Gamblers Rehabilitation Fund, a very important direction was given in terms of the paper that was submitted to the cabinet and ultimately to the Liberal party room. It stated:

> Under the new framework, it is proposed that the Gamblers Rehabilitation Fund (GRF) would report directly to the new authority. The GRF will retain responsibility for making recommendations regarding the possible distribution of funds; however, ultimate responsibility for the approval of program distributions and administration of funds will be transferred from the Minister for Human Services to the new authority.

I know that the Hon. Nick Xenophon would be extraordinarily interested in what I just said. In talking about the GRF, it went on in some detail about the GRF being melded into the Independent Gambling Authority so that there would be a single body that would administer and supervise Gambling Rehabilitation Fund projects and avoid unnecessary duplication. In fact, the GRF was to fulfil an important function as an advisory panel to the Independent Gambling Authority. It went on to say:

> . . . it is expected that all gambling codes will be required to make financial contributions to the GRF. The government will make an annual contribution from taxation revenue collected from other gambling codes at a level approximately equal to the percentage contributed by hotels and clubs.

It went on to recommend the establishment of a minister for gambling. That was the paper that went to cabinet. That is what was put to the Liberal Party room and that is what was reflected when a bill was introduced into this place by the Hon. Robert Lucas.

The media release issued by the Hon. John Olsen on the day that the legislation was introduced also referred to the establishment of the Independent Gambling Authority and to the fact that it had broad-ranging support from welfare groups and others. The press release referred to the relationship of the authority with the minister and some other measures that are not important for the purposes of this speech. The Heads of Christian Churches issued a press release on the same day, stating:

> . . . the IGA will have an obligation to both consult and research. Additionally, the expanded IGA Board, together with the Gamblers Rehabilitation Fund Board, will add both independence and expertise to gambling regulation.

That was signed by Stephen Richards, who was then the chair of the task force on gambling for the Heads of Christian Churches. On the same day also, the Adelaide Central Mission issued a press release which reported:

> 'We are particularly supportive of the creation of the Independent Gambling Authority because we believe that this body will be able to develop an excellent understanding of the whole gambling industry in South Australia. It will also be able to review all activities with a view to harm minimisation,' said Mr Henley.

There was pretty broad support for the sentiments and the proposals that were initiated by the poker machine task force that was brought into existence in early 2001. I would assert, and I will go through in some detail, that what was originally intended and what was suggested should happen with the Independent Gambling Authority has not happened. Whoever's fault that is perhaps is a matter for political debate but there is one very simple proposition, and that is that that responsibility, particularly the functions of the GRF, has not been fulfilled and has not lived up to the expectations that I and many others had at the time the legislation was introduced.

At the same time, there was a proposal to extend the cap for a further two years. In relation to the cap, the only debate was associated with the number of gambling venues that had machines approved but not installed for various reasons or had been granted section 59 certificates. In that respect, I have tables setting out the venues, the number of machines approved, the number installed, the number that were yet to be installed in relation to approved machines, the number of section 59 certificates and a list of non-live venues. I seek leave to have them incorporated into *Hansard*. They are statistical.

Leave granted.

Venues that have not installed total number of approved machines—As at 28 February 2001

Venues currently operating

Licence Number	Venue Name	Approved GMs	Installed GMs	Excess	Date of Increase	Installation Date	Comments
50105355	Torrens Arms Hotel	40	37	3	10 Sept 1999	31 Dec 1999	Machines in storage. Site contacted
50100842	Heritage Hotel	40	34	6	20 Apr 2000	17 Jul 2000	Application for transfer. Hearing 23/2/01
50102496	Griffins Head	30	28	11	30 Jun 2000	16 Oct 2000	Application lodged for redefinition
50105151	Taminga Hotel	30	25	5	3 Jul 2000	16 Oct 2000	Two machines to be installed on 3/4/01
50105884	Wombat Hotel—Kadina	21	17	4	16 Jun 2000	16 Oct 2000	Applied for variation to layout
50107810	Normanville Hotel	31	15	16	20 Jun 2000	16 Oct 2000	Applied for extension of time to install
51203685	Glendambo Hotel Motel	8	6	2	19 Jul 2000	19 Oct 2000	Install 2/01 cancelled—problem with machines
50100038	Aldgate Pump Hotel	40	25	15	16 May 2000	20 Dec 2000	To be installed in March
51201413	Football Park	40	39	1	7 Feb 1994	31 Dec 2000	Scheduled for installation in February
50102713	Hotel Victory	30	12	18	30 Jun 2000	14 Jan 2001	
50900739	Waikerie Club	20	14	6	18 Oct 2000	31 Jan 2001	
50103109	The Lion Hotel	40	34	6	1 Aug 2000	31 Jan 2001	Installation date 21/3/01
50103727	North Kapunda Hotel	10	8	2	14 Aug 2000	31 Jan 2001	Installation date 4/4/01
50903737	Roxby Downs Club	26	10	16	7 Feb 2000	31 Jan 2001	Installation date 2/4/01
50105656	Wellington Hotel	10	6	4	15 Jun 2000	1 Mar 2001	
50104862	Snowtown Hotel	12	6	6	14 Dec 2000	1 Mar 2001	
50105313	Thevenard Hotel	20	18	2	1 Dec 2000	5 Mar 01	
50105559	Wakefield Tavern	21	14	7	6 Dec 2000	6 Mar 2001	
50102488	Directors Hotel	40	11	29	16 Jan 2001	16 Mar 2001	
50100088	Alma Hotel—Willunga	12	10	2	15 Aug 1996	29 Mar 2001	
50900072	Pasminco-Bhas and Community Club	20	16	4	28 Nov 2000	31 Mar 2001	
50903266	Southern Districts Workingmen's Club	20	15	5	19 Dec 2000	31 Mar 2001	
50100923	Commercial Hotel—Naracoorte	40	16	24	9 Oct 2000	31 Mar 2001	
50102111	Hannahville Hotel	12	6	6	6 Jul 2000	31 Mar 2001	
50103581	Blumberg Hotel—Birdwood	18	11	7	28 Nov 2000	31 Mar 2001	
50103638	Newmarket Hotel—Port Adelaide	40	33	7	5 Jul 2000	31 Mar 2001	
50105119	Swan Reach Hotel	25	22	3	28 Oct 1998	31 Mar 2001	
50105698	West Thebarton Hotel	40	10	30	5 Oct 2000	31 Mar 2001	
51204241	Royal Admiral Hotel	20	5	15	12 Dec 2000	31 Mar 2001	
50102501	Hampstead Hotel	39	28	11	26 May 1998	31 Mar 2001	
50104951	Marrakesh Hotel	33	19	14	8 Aug 2000	31 Mar 2001	
50101432	Ethelton Hotel	40	27	13	20 Jun 2000	1 Apr 2001	
50100711	Cavan Hotel	40	38	2	4 Sep 2000	4 Apr 2001	
50104147	Portland Hotel	40	36	4	4 Jul 2000	7 Apr 2001	
50901751	Athelstone Football Club	25	10	15	16 Jan 2001	30 Apr 2001	
50102349	Hotel Central—Riverton	10	6	4	4 Dec 2000	30 Apr 2001	
50104008	Angler's Inn Hotel Motel—Wallaroo	25	20	5	25 Oct 2000	30 Apr 2001	
50104618	Royal Hotel—Moonta	20	12	8	2 Feb 2001	30 Apr 2001	
50105787	Willaston Hotel	40	20	20	29 Jan 2001	30 Apr 2001	
50107218	The Office Bar and Bistro	27	3	24	18 Dec 2000	30 Apr 2001	
50107967	Oxford Hotel	20	6	14	30 Jun 2000	30 Apr 2001	
50107797	Old Bakehouse	15	10	5	27 Sep 2000	1 May 2001	
50105185	Tattersalls Hotel	30	27	3	18 Aug 2000	1 May 2001	
50104286	Queens Head Hotel	10	6	4	21 Nov 2000	20 May 2001	
50902082	Lincoln South Club	15	6	9	26 Feb 2001	31 May 2001	

Venues that have not installed total number of approved machines—As at 28 February 2001

Venues currently operating

Licence Number	Venue Name	Approved GMs	Installed GMs	Excess	Date of Increase	Installation Date	Comments
50100012	Alberton Hotel	40	26	14	15 Feb 2001	31 May 2001	
51203342	Barossa Bauhaus	40	26	14	15 Feb 2001	31 May 2001	
50101589	Flagstaff on Franklin Hotel	38	22	16	19 Jun 2000	1 Jun 2001	
50103654	Old Noarlunga Hotel	40	10	30	29 Aug 2000	30 Jun 2001	
50106238	Wee Willie's Tavern	40	26	14	15 Jun 2000	30 Jun 2001	
50108125	Port Dock Brewery Hotel	40	28	12	7 Sep 1999	30 Jun 2001	
51204063	Middleton Tavern	38	26	12	16 Jan 2001	30 Jun 2001	
50104804	Sevenhill Hotel	40	16	24	30 Nov 2000	30 Jun 2001	
50105460	Uraidla Hotel	40	10	30	6 Nov 2000	6 Aug 2000	
50900446	Para Hills Community Club	34	33	1	1 Sep 2000	No date	Installation date 6/3/01
50100321	Birkenhead Tavern	40	10	30	11 Oct 2000	No date	Installation date 26/4/01
50102080	Hamley Bridge Hotel	8	7	1	6 Dec 2000	No date	
50102894	Keith Hotel	27	21	6	6 Aug 1997	No date	Installation date 27/3/01
50104024	Heyward's Royal Oak Hotel—Penola	16	8	8	2 Feb 2001	No date	Installation date 30/3/01
50104650	Royal Exchange Hotel—Kadina	40	36	4	12 Sep 2000	No date	Installation date 26/3—6 months
50105127	Tailem Bend Hotel	25	14	11	11 Jan 2001	No date	Installation date 10/4/01
50105452	Union Hotel	15	3	12	15 Feb 2001	No date	
50105981	Yunta Hotel	6	3	3	7 Jan 1997	No date	
50100761	Charleston Hotel	5	4	1	One machine removed February 2000		
50104812	Seven Stars Hotel	18	2	6	Machines removed November 1999		
50900616	South Adelaide Footballers' Club	40	37	3	Three machines in storage		
50903258	Modbury Bowling Club	12	10	2	Two machines removed August 2000		
51203677	St Pauls Reception & Function Centre	16	12	4	Machines removed July 2000		
Total outstanding				686			

Gaming Venues under Suspension

Licence No.	Venue Name	Approved GMs	Grant date	Installation date	Reason for suspension
50104600	Royal Hotel-Kent Town	40	11 Jan 2001	30 Sept 2001	Major renovations
50104155	Port Lincoln Hotel	40	21 Aug 2000	-	Fire damage
50105753	Whyalla Hotel	40	21 Dec 2000	28 July 2002	Major renovations
50108379	Leonard's Mill	12	15 Dec 2000	30 June 2001	Under receivership
50104943	The Southern Hotel	40	19 June 2000	31 May 2001	Major renovations
		172			

Certificates Granted Under Section 59 of the Liquor Licensing Act 1997

Licence No.	Venue Name	GMs Sought	Date of Grant of Certificate
50108426	Mawson Lakes Tavern	40	6 Nov 2000
50108442	McCracken Country Club	20	21 Aug 2000
50107658	Auchendarroch Hotel	40	21 April 1998
50107933	Holdfast Shores	40	16 Feb 2000
50108400	Slug N Lettuce	40	19 June 2000
		180	

Proposed Premises—Application for Liquor and Gaming Lodged

Licence No.	Venue Name	GMs Sought
50108387	Cudlee Creek Restaurant & T.	10
50108361	Woodend Community Tavern	40
50108450	Murrays	40
50108468	Fleurieu Resort Hotel	40
50108476	Copper Cove Marina Resort	40
		170

Non-Live Venues					
Licence No.	Venue Name	Approved GM	Grant Date	Installation date	Comments
51201560	Morphettville Racecourse	40	8 Dec 1994	8 Sept 2000	
50105680	Western Hotel-Port Augusta	40	2 Feb 1998	11 Sept 2000	Application lodged for redefinition
51201497	Cheltenham Park	40	3 Mar 1998	30 Dec 2000	
51204681	Azzuri Club Limited	10	13 June 2000	31 Mar 2001	
51000223	Billiards and Snooker Assoc. of SA Inc.	6	4 Jan 2001	31 Mar 2001	
50103549	Mount Torrens Hotel	5	23 Oct 2000	31 Mar 2001	
50102925	Kentish Arms Hotel	8	2 Feb 2001	2 May 2001	
50104977	Spalding Hotel	6	15 Feb 2001	31 May 2001	
50106610	Marinelli's Tavern	39	12 Jul 2000	30 June 2001	
50904521	Capania Sports & Social Club	20	6 Jul 2001	30 Jun 2001	
50102519	Astor Restaurant & Bar	15	22 Feb 2001	30 Jun 2001	
51203554	Metropolis on Hindley	40	17 Oct 2000	30 Jun 2001	
50105038	St Kilda Hotel	20	14 Nov 2000	14 Jul 2001	
50103531	Mount Remarkable Hotel	6	23 Jun 2000	No Date	
Total Outstanding		295			

The Hon. A.J. REDFORD: Some of the other matters concerning the role were outlined by the Hon. Nick Xenophon in his contributions on 31 May, and in particular I draw members' attention to his contributions at pages 1 211 to 1 218 of *Hansard*. It would seem that when the legislation establishing the IGA was passed in May 2001, the role and responsibilities of the IGA were pretty clearly set out: firstly, in legislation; secondly, in cabinet submissions; thirdly, in a range of contributions to parliament; and fourthly, in a range of press releases issued by various groups at the time the legislation was introduced. It was a rare moment of unanimity in this whole debate surrounding poker machines.

What has happened since the passage of this much-discussed legislation? How do we judge the performance of this body, the two governments and the three ministers since that date? It is important that I remind members of a number of key dates that will put the performance of the Independent Gambling Authority in some context. I will outline them because, to some extent, the Independent Gambling Authority has been the victim of surrounding circumstances.

On 24 May 2001, the bill was passed; on 31 May 2001, the bill was proclaimed; and on 1 October 2001, the IGA commenced. On 1 October 2001, Mr Chappell was appointed CEO; on 1 October 2001, Mr David Green, former chair of GSA, was appointed chair. In December 2001, Mr Green advised the minister that he was moving to Hong Kong. However, he remains on the board to complete the casino code of conduct. On 15 January 2002, the election was called and on 9 February the election was held. On 6 March 2002 the Hon. John Hill was sworn in as gambling minister. On 15 August 2002, Mr Green formally resigned and Mr Stephen Howells was appointed chair of the IGA board. On 4 December 2002, the Hon. Jay Weatherill was sworn in as gambling minister.

In fairness, any assessment of the performance will need to take into account the above, much of which was beyond its control. One example: that one could not have expected the board to secure ministerial direction during the election campaign or during the subsequent period when South Australia was in a state of limbo pending the result of the vote on the floor of the parliament.

The annual report of 2001-02 provides two presiding members' reports. First, the Presiding Member and high profile Victorian barrister Stephen Howells gave a brief report. His predecessor reported that, in the 12 months to 30 June 2002, the IGA had:

- approved the sale of SA TAB to TAB Queensland;
- approved certain codes of practice, particularly in the area of the casino;
- expanded its executive team;
- implemented voluntary barring orders for problem gamblers.

The report interestingly noted that in respect of the pokies cap the terms of reference were issued shortly after the end of the reporting period and the inquiry is now under way. The inquiry in relation to the pokies cap did not commence until July 2002—more than 12 months after the legislation was passed and 10 months after the legislation was proclaimed. It reported that it had no budget funds for research in the reporting period—a fact that I find surprising, particularly when one takes into account the initial cabinet submission and the statements both publicly and to this parliament that moneys would be transferred from the GRF to this body to enable it to conduct its business.

Other facts that should be noted are that there are four staff and, in addition, it had spent less than $150 000 on consultancies, nearly all of which were related to the South Australian TAB and none of which related to gaming machines, horse racing, problem gambling, pokie caps or anything else that was supposedly to be referred to the Independent Gambling Authority. It spent $875 000. Of particular concern to me is that the IGA did not issue a discussion paper on the gaming machine cap until March this year—nearly 22 months after the bill capping the number of machines was passed. I am completely mystified as to why it would take so long for that to happen, particularly given the importance of the issue to South Australia. I know everyone will point the finger of blame in every direction, but for that to happen is on any analysis not good enough.

A number of questions arise from this. Why did not the IGA start the process on 1 October 2001? Why did not the IGA seek the necessary resources? If it did, why was it not given the necessary resources, particularly regarding the Premier's press release made at the time of the promulgation of the legislation? Why, if the process commenced only in July 2002, was it not given priority? Was it a matter of resources? Why was not parliament told much earlier that the process could not be completed before 31 May this year?

When did it become apparent to the IGA that it could not complete that process and when was the minister informed? Why could not the process be completed between July 2002 and February 2003? These are all legitimate questions, the answers to which members of parliament have a right to know. A press release issued by the Hon. John Hill on 27 June states:

> The Independent Gambling Authority has been given a green light to inquire into the number and impact of gaming machines in South Australia.

I wonder what was the red light prior to that date. The press release further states:

> The Minister for Gambling, John Hill, said that the inquiry is taking place in the lead up to the parliament reviewing the legislation that freezes gaming machine numbers.

He then states:

> I have handed the terms of reference for the inquiry to the Independent Gambling Authority and I have asked the authority to report by 1 December this year.

So the date was set. Other issues arise from this, particularly in relation to the Hon. Nick Xenophon. I have analysed questions put by the Hon. Nick Xenophon concerning the Independent Gambling Authority since it came into inception.

On 3 July 2001 he asked, in broad terms, a question about what was happening concerning the Independent Gambling Authority, what are its resources and when will it come into effect. He was informed that answers would be brought back. On 26 September 2001 he asked a simple question as to whether the government would confirm that the Independent Gaming Authority would come into existence on 1 October 2001, and on that occasion he was told that it would. On 7 May 2002 he asked a question about the proposed report in relation to the link between problem gambling and crime. He asked the same question today and was told that answers would be brought back. To date, there are no answers.

On 16 May 2002 he asked a question about Sky City and codes of conduct and was informed that answers would be brought back. On 19 August 2002 he was asked about the appointment of the CEO and again was informed that answers would be brought back. On 21 August last year he again asked a question about the inquiry into gambling related crime and a second question about the adequacy of resources and again was told that answers would be brought back. On 27 March 2003 he asked questions about the Gamblers' Rehabilitation Fund and again was told that answers were to be brought back.

My research would indicate that, of the seven questions asked by the Hon. Nick Xenophon directly related to this body over the past two years, he is awaiting replies to all but one of them. That is cause for grave concern. I am not sure where the fault lies but, if members of parliament are expected to respond positively to requests from the authority or its responsible minister, it needs to develop a good understanding that communication through timely answers to questions by members of parliament is important. As members of parliament, we take the word of institutions on trust on many occasions, and in this situation the IGA, its minister or both are sorely testing that level of trust.

Another issue in relation to the performance of the IGA is the matter of research priorities. In that respect there are two main research areas: the prevention of problem gambling and the amelioration of its effect; and, secondly, the rehabilitation or reform of problem gambling. I remind members that, in the document circulated and given to cabinet prior to the last election, it was said in relation to the issue of research that the authority would become the government's principally endorsed gambling research body. It went on and the document stated that it was to supervise the Gamblers' Rehabilitation Fund and that the fund, which is not a statutory body, was to report directly to the new authority. There is absolutely nothing that I see that it has evidenced the intention evinced by the Premier of the day and accepted by members of parliament when we unanimously voted in favour of the legislation that went through this place back in 2001.

The act is not confined to poker machine gambling. It also extends to horse racing, dog racing, trotting and lotteries. I have seen absolutely nothing about the activities of this body, other than the promulgation of codes of conduct, that would do anything in so far as these bodies are concerned. It was always intended that these bodies would make a contribution equal to the poker machine industry in terms of resourcing the body itself—the research and the rehabilitation fund—yet there does not appear to have been anything done in relation to that. There might well have been and, if there has been, I stand to be corrected, but my criticism will then go to the transparency that has been adopted by this whole process, particularly when quite a number of us put a lot of goodwill, effort and political capital into this in order to achieve this very disappointing outcome.

It was the intention that the Gamblers' Rehabilitation Fund be monitored and supervised by the IGA. That is not something that has been highlighted. I do not know how the GRF is functioning and, for an issue that dominates so much parliamentary time and effort, it is incumbent on those charged with that responsibility to provide regular and timely reports to members of parliament so that we can make informed decisions, such as the one we may be expected to make in the next week or two.

I am informed privately that the IGA has a research budget of over $1.2 million for three years. That is one source, and I have to say that in a moment I will cite a conflicting source. I am not sure whether that is new money or money that has been transferred from the GRF. However, I am told that the research projects on the drawing board include:

- the pokie cap and its ramifications (and I have seen a report in that respect on its web site);
- the interrelationship between the number of machines to problem gambling;
- the reviews of codes of practice;
- the interrelationship between gambling and crime (that report sorely sought after by the Hon. Nick Xenophon; I must admit that I have some interest in it, too);
- the community cost of gambling;
- the social health impact of gaming and gambling; and
- early intervention strategies.

In March this year, the minister issued a guide, published by the Adelaide Central Mission, that focused on early warning and recognition of problem gambling. At the launch, he said that he had asked the IGA to investigate a proposal for family intervention orders to enable family members to restrain a problem gambler from wasting the family's income. Other than that initiative, I have heard nothing. One would have thought that, if this was important, at least a letter would have been sent to members of parliament, so that we might be able to refer some of these issues to the body so that it might make an informed decision. Other than the minister's press release (and, I will say in a moment how I heard about that), I have heard nothing.

How did I find out about the minister's press release? I was contacted by a number of people—some of whom were closely associated with Adelaide Central Mission—who expressed their disgust at the minister's politicisation of the debate, particularly having regard to the minister's role in this area. Indeed, the minister took some considerable trouble to criticise the former government and what it had done in relation to problem gambling.

In that respect, the minister stands condemned if he judges the former government on those standards by his level of inactivity on some of the issues that I have highlighted. Indeed, there does not appear to be any public information program on the IGA's activities, let alone regular contact with MPs; nor does there appear to be any overarching strategy in relation to where research is to be directed, what use might be made of research conducted interstate and overseas and, indeed, what we might do with the results of that research.

To my knowledge, nothing has been done to utilise or research the use of smart cards. One of the significant submissions to the task force (of which I was a member) was put by the Liquor Licensing Commissioner, Bill Pryor. He made a very important submission that attracted my attention, and members should remember that the submission was made two years ago. He submitted that technology is currently in existence (and I think the term used was 'smart card') that would have the potential, without a huge regulatory framework and lots of people feeding off the system, to eliminate problem gambling altogether. As I understand it, you make the poker machines cashless; you make them credit card-less; and you give every individual a non-transferable smart card and a pre-set limit. Based on some research, that would eliminate problem gambling altogether. Has the IGA done anything about that? No, nothing, and that is extremely disappointing.

On 5 May 2002, the Premier issued a press release as follows:

> Premier Mike Rann says the government plans to do what it can to draw people back from the brink of excessive gambling on the pokies by putting a greater effort and more resources into researching and helping problem gamblers. Gambling minister John Hill will be announcing in the forthcoming July budget that the government intends injecting an extra $4 million over four years for programs to help problem gamblers.
>
> This isn't about throwing money at a problem. This is about acting to cut the cycle of obsession and despair: it is the people who become addicted to poker machines and fritter away all their money and then some. That is the major focus of concern for this government.
>
> The majority of people who use pokies are not problem gamblers. Many people say to us they like being able to go to their local pub, getting a cheap meal and having a flutter on the pokies as their form of entertainment.

I know that the Hon. Nick Xenophon was probably more enthusiastic than I about this statement, because he tends to take the Premier more at his word than I do. However, with a great deal of excitement and trepidation following this announcement, we both awaited the budget. From time to time, I am not a very smart man, and I find these budget papers extraordinarily difficult to follow. I have pored over these budget papers, and I have seen the words 'lotteries' and 'gaming' mentioned in some portfolios. One statement indicates that the Minister for Gambling will continue to use the resources available within the Department of Treasury and Finance to address gambling policy issues; in other words, he will take what Treasurer Foley will give him.

However, the most interesting item appears at page 2.22 of the budget statement. Under the heading 'Administered items for the Department of Treasury and Finance: consolidated account items, statement of cash flows' it states:

> Independent gaming corporation contribution to gamblers rehabilitation fund, budget 2001-02: $1.5 million.

The estimated result for that year was $1.5 million. I remind members that, in the meantime, Premier Mike Rann had announced this $4 million. What do we have in the 2002-03 budget? We have $1.5 million, which is exactly the same amount as appeared the year before. One can only say that, if this government is serious about gambling, it has to stop issuing press releases that fudge figures and get on and do the job.

I then looked at another issue. There does not appear to have been any activity on the part of the IGA in relation to internet gambling. Indeed, the Hon. Paul Holloway has put more effort into the issue of internet gambling with his little finger than the whole of the IGA.

An honourable member: And that's not much.

The Hon. A.J. REDFORD: He has done a fair bit. We have two reports, and I think we ought to pat ourselves on the back, although they did take a long time. The issue of who undertakes research has also been questioned. I know that a tender for $1.7 million of funding was granted to Relationships Australia and is to expire in 2004. How do I know that? I went to the SA tenders and contracts web site. I was trying to find out what the government has done since March last year, and I was really pleased to see that $1.732 million was spent on gamblers' rehabilitation funding by the government, the completion date of which is 30 June 2004. When I looked more carefully, I saw that the commencement date was 1 July 2001.

I searched through this site diligently to see what contracts, tenders or anything else might have been done in terms of gamblers' rehabilitation or gambling prevention since the Rann government took office. Guess what I found? A big fat zero; nothing; nil. It is exceedingly disappointing when the rhetoric is so far ahead of the actual performance. I then looked on the web site to see what might have been done in terms of gambling rehabilitation funding from the IGA—again, a big fat zero; nothing. Yet in May last year, amid much fanfare, Premier Mike Rann said that there would be an extra $4 million for programs to help problem gamblers.

When one looks at the IGA's annual report there is no mention of it—no mention of any evaluation programs. I mean, for all we know, all that money we are spending on problem gamblers and on prevention programs is not making one jot of difference. As a member of parliament, I have never seen any evaluation as to what programs work and what do not. Yet, on a regular basis, as members of parliament, we are asked to make some pretty serious decisions about a significant industry in this state in the absence of that information; and that was why we wanted this body set up in the first place: so that it was transparent and we could all make informed decisions.

It was only a month after that announcement that the second announcement of the study of gambling-related crime was made; it has been, I must say, one of the most announced studies known to mankind. It is vital, as was identified by the task force, that, as a state, we have an efficient and coordinated research strategy so that policy makers can make the best decisions. Nothing has been advanced since the establishment of the IGA. I have not seen anything that has brought the racing industry into the loop, and it has just as

much responsibility to deal with this as the gaming machine industry.

Lotteries has not been brought into the loop and neither have casinos. We have not looked at the impact of internet gaming. We seem to have focused wholly and solely on the adverse effects of poker machines. I am sure there would be families who are just as devastated as a consequence of problem gambling in the horse racing industry as there are in the poker machine industry, except, perhaps, such effects are not as prevalent in those areas. It is also just as important that rehabilitation and prevention programs are coordinated and evaluated. That was the whole reason the IGA was set up, yet there is no evidence to me that this has happened.

I know what minister Weatherill's response will be. It will not be surprising; it will be predictable. He will blame the former government. He will skirt around his predecessor's lamentable performance and re-announce an earlier program. I am just thinking whether we ought to run a sweep to predict which already announced program the minister will re-announce as part of that process. Yesterday, in relation to this issue about the long-awaited paper into the effect of caps and the like, the minister said:

> No steps were taken until the new Minister for Gambling in the Labor government was sworn in, so we are in this situation because the Independent Gambling Authority was not even given its terms of reference until we got off our backsides and did something about it.

I think there needs to be an explanation given here and, in the press release and in the statements to parliament, clearly, that was supposed to have happened. Why it did not happen until approximately 14 or 15 months after the passage of this bill defies my understanding. As I said, the minister will blame the former government, he will skirt around his predecessor's lamentable performance, he will re-announce an earlier program and some might ask: 'Well, why shouldn't he? To date he has gotten away with that strategy.'

To date, based on discussions I have had over the past few months, the IGA has managed to offend everyone with whom it has come into contact: welfare groups, gambling proprietors and industry bodies. That by itself may not be cause for comment, however, it has to point to specific achievements and, short of the re-announcement of the same program, from where I sit, it has delivered very little. All it appears to have delivered, so far as I can see, is a code of conduct in so far as the casino is concerned and a position paper outlining what we have already known when we have debated the issues of a pokie freeze on a regular basis in this parliament without any assistance to us. I would hope that, over the next few months, the performance of this body will improve significantly.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. A.J. REDFORD: I do not want to labour this point, but there has been a serial misrepresentation of what I said in my speech, paragraph after paragraph. I do not want to bore members and keep them here any longer than I have to. One of the objects of the legislation is to shift some of the Ombudsman's jurisdiction to this health and community complaints body. I was described as rising in 'seeming defence' of the state Ombudsman, and I corrected that, saying it was not seeming: I was actually quite genuine about it.

The minister then went on and said that I sought to portray the Ombudsman's comments at a recent government event as an attack on the government's legislation. I would say that, in a way unprecedented in this state, he then went on and outlined a process where the Attorney-General and the Minister for Health had engaged in a 'counselling session' with the Ombudsman. That was the way it was described. I have to say that as an officer of this parliament I find highly offensive the assertion that an officer of the parliament should be subject to even a hint that government members would be seeking to counsel the Ombudsman, and I find that to be an unwarranted attack on the integrity and independence of the Ombudsman.

The minister went on and pointed out that it was inappropriate for the Ombudsman to make comments about legislation. When the Auditor-General was making lots of comments about all sorts of legislation that we have been dealing with over the past eight years, and bearing in mind that he is in a similar position, I never heard him hold back in making comment about whether or not a piece of legislation, particularly one affecting his jurisdiction, was good or bad. I am sure the Hon. Robert Lucas would support me in that assertion—and I see that he is nodding his head vigorously. I remind members of what the Ombudsman said in a public speech on the 30th anniversary of the establishment of his office in front of an audience of more than 100 people, at which the Attorney-General sat quietly and listened politely. I will not read the whole of the passage as I did last time. He said:

> In this state the institution of the Ombudsman has become reliable and credible over a period of 30 years. It has been faithful to the charter laid down by the parliament. Moreover its credibility depends on an effective original jurisdiction over all government departments and statutory agencies and authorities. If that jurisdiction were to be lessened by other schemes that would not only undermine the office of the State Parliamentary Ombudsman but also the path so carefully laid down by parliament itself in that original act (which we celebrate today) and subsequent legislation which reinforces the Ombudsman's role.

I would invite the minister to criticise me for raising what the Ombudsman said in a public speech on a significant occasion and in the presence of the Attorney-General. I ask him whether he could say anything other than that I was fulfilling my duty as a member of parliament in reporting what he said. Indeed, in an effort to report him publicly I asked him for a copy of his speech notes and he could not give them to me quickly enough.

The Hon. T.G. Cameron: I wonder why.

The Hon. A.J. REDFORD: Yes; because he wanted to send the government a message, and it obviously was not listening in its private forums, because with this government it seems to be a one way performance—a counselling session, not an exchange of views. Just in case people do not understand what the Ombudsman was saying about this, he went on:

> Moreover, removing directly or by implication any government department or agency from the Ombudsman's primary jurisdiction and relegating it to a peripheral 'supervisory' function over some 'intermediate complaint handling agency', be it called ombudsman or not—

in this case the Health Complaints Commissioner—

would even impede and frustrate the operation of the new audit review functions provided for in the recent Ombudsman (Honesty and Accountability) Amendment Act 2002. . . and thus negate the overall intent of parliament.

You cannot put it any stronger than that. If you know the Ombudsman's personality, you know that that is putting it as strongly as I have heard him say anything. For the minister to come here and say that there was a seeming defence and come up with a cute response to what I was saying I find insulting. If the minister has a problem with what the Ombudsman is saying, he ought to do what we would expect any member of parliament to do: stand up and make a response. We would not expect him to say that the honourable member got it all wrong and then sneak around and have a closed door counselling session with the Ombudsman.

The Hon. Diana Laidlaw: That's the Minister for Health.

The Hon. A.J. REDFORD: That is the Minister for Health and the Attorney-General. I find that process reprehensible. If sweetheart deals were being done by the former government when ministers were having private meetings with the Auditor-General, I am sure the honourable member and his colleagues would have stood up and shouted from the rooftops.

The Hon. T.G. Cameron: And correctly so!

The Hon. A.J. REDFORD: And correctly so. With those few words I think I have adequately responded to that diatribe I had to put up with yesterday.

The CHAIRMAN: I think we all understand the comments of the Hon. Mr Redford. I remind members that we are not here to redebate this and that it is not the place for personal explanation. I understand the hurt of the member, but I ask all honourable members to comply with standing orders and address their remarks to the matters before us.

The Hon. DIANA LAIDLAW: I have a question in relation to the objects clause, that is, clause 3(a), (b), (c), (d) and (e). I want to make the point and also seek clarification from the minister that it is my understanding that all matters outlined in subclauses (a) to (e) could all be accommodated absolutely adequately, fairly, equitably and economically at the present time under the objects of the state ombudsman's act.

The Hon. T.G. ROBERTS: I thought I outlined that in my reply. The Ombudsman deals only with matters in the public arena in relation to health and health services, but not in the private arena. By setting up the ombudsman for health and community services complaints under this bill, it gives the Ombudsman direction within the public and private sectors that does not exist at the moment under the ombudsman's act.

The Hon. DIANA LAIDLAW: There is no specific reference to the private sector in the objects. What I said was: there is nothing in the objects as printed in clause 3(a) to (e) that could not be accommodated under the state ombudsman's act now, or with minor amendment to extend the power of the state Ombudsman in dealing with these matters.

The Hon. T.G. ROBERTS: Under the objects of the act, it is my advice that the Ombudsman could deal with subclauses (b), (c), (d) and (e) perhaps, but he has no jurisdiction under subclause (a) to deal with that. Subclause (a) provides:

to improve the quality and safety of health and community services in South Australia through the provision of a fair and independent means for the assessment, conciliation, investigation and resolution of complaints.

That would be outside the current Ombudsman's jurisdiction.

The Hon. DIANA LAIDLAW: Just to clarify it, although clause 3(a) has no reference to private health or community service providers, the minister is saying that clause 3(b),(c), (d) and (e) could all be accommodated under the present objects of the state ombudsman's act. The only additional—and I would question it but this is his statement—matter that is being introduced is clause 3(a), and that could be accommodated by a small amendment to the state ombudsman's act. I do not want to argue the point longer, I just want clarification of the basic question.

The Hon. T.G. ROBERTS: It is consistent with my explanation in relation to the separation of private sector and public sector. It is implied in subclauses (b), (c), (d) and (e) that the private sector is a part of his responsibilities, but subclause (a) is the separating clause.

The Hon. NICK XENOPHON: Clause 3(a) in referring to the objects of the act says that they are to improve the quality and safety of health and community services in South Australia and goes on about the means of assessment and conciliation, investigation and resolution of complaints. I note that subclause (c) includes the phrase: 'promote the development and application of principles and practices of the highest standard in the handling of complaints concerning health or community services'. Do I take it from the objects that the intention of this bill is to ensure that there is a higher standard of health services for consumers of health services in this state? Is that, in essence, the aim of the bill?

The Hon. Diana Laidlaw: And the government's intention overall?

The Hon. NICK XENOPHON: And, acknowledging my colleague the Hon. Diana Laidlaw, the government's intention overall?

The Hon. T.G. ROBERTS: The intention of the objects is to establish benchmarks to the highest standards through the gathering of information from complaints, so that when complaints are made standards and benchmarks can be set and standards can be improved from the complaint services provided.

The Hon. NICK XENOPHON: Essentially, when the minister refers to 'benchmarks of the highest standard', this is about ensuring that our health professionals provide the best possible services in the circumstances; that is, there is a higher benchmark to stand by.

The Hon. T.G. ROBERTS: Yes.

The Hon. DIANA LAIDLAW: Can I check again in relation to clause 3(c) and this reference to the 'highest standard in the handling of complaints'? I recognise that this bill does extend the ambit of lodging complaints and their being heard by commissioner or ombudsman to the private sector, but is the government inferring that the handling of complaints has not been to the highest standard when it has been a public authority and when, to date, they have been dealt with by the state Ombudsman's office?

The Hon. T.G. ROBERTS: The information provided is, no, there is no intention of doing that: it is to provide equity between public and private. It is not for the reasons that the honourable member has explained: it is to get the public and private service provisioning to a standard that maximises the returns, as the honourable member has put. It is not the intention to have two sets of standards, one private and one public.

The Hon. DIANA LAIDLAW: So, there is not any stated or implied concern or grievance about the state Ombudsman's handling of health complaints within the public sector at the present time? None at all? So, in terms of the highest

standard, it is just simply a matter seeking to extend it across the public and private system. I want to clarify that.

The Hon. T.G. ROBERTS: That is the intention and there are no concerns about the Ombudsman's past performance in relation to handling health matters.

The Hon. DIANA LAIDLAW: There is no criticism of the state Ombudsman's handling of complaints from the public sector. Will the minister clarify whether or not the public sector is the biggest sector in terms of service provision in South Australia in the ratio of service delivery and the like to the private sector? I am trying to get a handle on what the Ombudsman may be dealing with today in terms of complaints and what may arise in the future after extending the complaint mechanism to the private sector.

The Hon. T.G. ROBERTS: The public/private breakdown is about 50:50, but there are health and community services other than hospitals and health services. The interstate experience regarding the numbers of complaints investigated is that there are two-thirds from the private sector and one-third from the public sector.

The Hon. DIANA LAIDLAW: So in South Australia you anticipate about 50:50 public and private. You have confirmed to me before that there is no complaint at the moment from the state Ombudsman about handling the public sector, notwithstanding having a structure that already operates to the highest standard, with the setting up, as the government would wish, of a whole new bureaucracy to deal with potentially 50 per cent more complaints.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: No, the answer was 50:50, but at the present time we have the highest standard of delivery in terms of servicing those complaints. That has been confirmed. You wonder why, when there is no fault with the current complaint structure in terms of the public sector and its experience, why we would then be progressing in this way. I know it is the government's choice, but we have amendments to deal with that.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: I just wanted to get that, minister. You have a habit of nodding, mumbling in your beard or eating chewing gum, and *Hansard* does not always get the 'yes' that I would like on the record.

The Hon. T.G. Roberts: Will a nod do?

The Hon. DIANA LAIDLAW: No, *Hansard* will not record a nod as a 'yes'. I am sorry to be pedantic about this: I just want answers to my questions.

The Hon. T.G. ROBERTS: The split of the services is 50:50, but the split of the complaints is two-thirds private and one-third public. They were the same under the bill that was put forward by your government in 2001.

The Hon. T.G. CAMERON: In the minister's concluding speech on the debate on this bill, he said:

> The Hon. Angus Redford has also raised a number of concerns about the Health and Community Services Ombudsman.

You then went on to say:

> In relation to the cost of running the Health and Community Services Ombudsman's Office, the government has been advised that apart from establishment costs and the salary of the Health and Community Services Ombudsman for which moneys have already been set aside, there is little effective difference in the recurrent costs for establishing a separate office.

Do you stand by that statement in view of what you have just said in the last three minutes?

The Hon. T.G. ROBERTS: Yes.

The Hon. T.G. CAMERON: Thank you for that extensive answer to my question: it will probably prompt a few more questions. If I understand what you have said correctly, and if my understanding of this bill is correct, under this new Health Ombudsman, about 50 per cent of the complaints will be from the public sector and 50 per cent of the complaints from the private sector, is that correct?

The Hon. Diana Laidlaw: No, the clarified answer is that they anticipate two-thirds may be from the private sector and one-third from the public sector, although it is 50 per cent of services.

The Hon. T.G. CAMERON: It is two-thirds to one-third, so that even makes it worse for the government. If it is to be one-third of complaints from the public sector and two-thirds from the private sector, who is currently dealing with the complaints from the private sector.

The Hon. T.G. ROBERTS: One of the problems that we had was that no-one was dealing with them: they were being dealt with by other administrative means which many of us as members of parliament were getting complaints about.

The Hon. T.G. CAMERON: They were not handled by the Ombudsman's office, were they?

The Hon. T.G. ROBERTS: No.

The Hon. T.G. CAMERON: In view of your statement in your concluding remarks and the statements that I have just extracted from you, if the number of complaints that this new office will deal with is to be triple the number of complaints that the Ombudsman's Office currently deals with, how will you do that for the same cost? I question that statement: it cannot be correct.

The Hon. T.G. ROBERTS: Information provided to me in relation to the new services that will be provided by the new office is that $500 000 recurrent funding has been committed to establish this office.

The Hon. T.G. CAMERON: Is the minister saying that it will cost $500 000 a year in recurrent funding?

The Hon. Diana Laidlaw: No, it is what they have allocated, not what it is going to cost.

The Hon. T.G. CAMERON: If you have allocated an additional $500 000 towards the cost of running the office, what then is the estimated total cost of running the office? You cannot do one without the other. Perhaps that is the way Labor governments spend money, but I would have thought that, if you were looking at one, you would have to look at the other.

The Hon. T.G. ROBERTS: There has been funding that the government feels is adequately directed to the setting up of the office and the running of the office. The amounts that have been estimated are $850 000—

The Hon. T.G. Cameron: I am not following you.

The Hon. T.G. ROBERTS: You asked me—

The Hon. T.G. Cameron: I did not understand what you said.

The Hon. T.G. ROBERTS: I said that the estimated amount is $850 000. As I said before in answer to the honourable member's previous question, $500 000 will be allocated to recurrent funding. This is nothing to do with the objects. We should be debating these figures in later parts of the bill.

The Hon. T.G. Cameron: In what parts of the bill would you suggest we debate them? I am happy to do that.

The Hon. T.G. ROBERTS: Clause 4.

Members interjecting:

The CHAIRMAN: Order! Members will refer to the standing orders and the practices of the chamber and direct

their comments to me. Too many debates are going on across the chamber. The Hon. Mr Cameron has a question of the minister.

The Hon. T.G. CAMERON: I do not know whether I got the gist of the last answer. Will an additional $500 000 be allocated for the running of this office?

The Hon. T.G. Roberts: That is recurrent funding.

The Hon. T.G. CAMERON: What is the $850 000 for?

The Hon. T.G. ROBERTS: Establishment. Further funding issues are dealt with under clause 83, and we will debate those issues at that point. We are now debating the objects of the bill, and I suggest that the honourable member carries out his examination of those figures under that clause.

The Hon. T.G. CAMERON: I have one final question and that will help me when we get to clause 83. Will the government table its budget in the parliament for the running of this new health ombudsman's office? The government has obviously got one because the minister has quoted me figures on recurrent funding, establishment costs, etc. Could the minister table the budget for the running of this office, because it will influence my decision on this matter?

The Hon. T.G. ROBERTS: The question I would ask is: have you had a briefing?

The Hon. T.G. CAMERON: Yes. I have spoken with the minister, my staff had a couple of meetings with people from the office, and I have gone through the bill and read the debate. I believe that I can ask a few questions when the matter comes up, even if I am not briefed.

The Hon. T.G. ROBERTS: The reason I ask is that bills are brought before this chamber on which members are not prepared to ask questions and, in some cases, ministers have not had briefings to enable them to answer the questions that have been asked by members. On this occasion, I ask whether the honourable member has had a briefing because later in the bill, namely, clause 15 and clause 83, he can ask the questions that he has raised now. We are dealing with the objects of the bill. If you have any problems with the objects, ask those questions and then we can move on. We can get to clause 15, perhaps even clause 83, but I suspect that will not be tonight.

The Hon. T.G. CAMERON: I am not the only one who seems to be hard of hearing in this place. I just said to the minister that I would be quite happy to wait and I asked whether he would be able to provide a budget when we come back after dinner as to what the government thinks this measure will cost. The minister has completely ignored my question and asked whether I have had a briefing. What is going on here?

The Hon. T.G. ROBERTS: You asked me whether I had a budget. You are concerned about the budget, and quite rightly so. If I had received a briefing, I would have asked an important question, such as one about the budget, of whoever gave the briefing.

The Hon. T.G. CAMERON: I probably would not have asked these questions until I ran across these words of the minister, who said:

> Apart from establishment costs and the salary of the health and community services ombudsman, for which moneys have already been set aside, there is little effective difference in recurrent costs for establishing a separate office.

The Hon. R.I. Lucas: Incredible!

The Hon. T.G. CAMERON: Incredible, yes, but I will come back to it later.

The Hon. NICK XENOPHON: I note that the minister has indicated that the levy will be dealt with in clause 83. However, does the minister acknowledge that, for the objects of the act to be achieved, there must be an adequate budget, and therefore it is legitimate to ask in the context of this clause that we can be assured that the budget for the health ombudsman is sufficient and adequate. If the government believes it is adequate—and presumably the government is not putting up a budget that is not adequate—it is based on other comparative studies interstate in terms of the likely demand for such services and the like. In other words, for the objects to be achieved, you have to have an appropriate budget.

The Hon. G.E. GAGO: I rise on a point of order, Mr Chairman. As the minister has already said, the object of the committee stage is to debate legislation clause by clause. There is adequate opportunity to debate the budgetary issues that have been raised—

The Hon. Diana Laidlaw: Under which standing order are you raising this?

The Hon. G.E. GAGO: Whichever one fits.

The Hon. T.G. Roberts: Relevance.

The Hon. G.E. GAGO: I am using relevance.

The CHAIRMAN: I am very close to upholding the point of order in respect of relevance. However, the honourable member has asked the question now and the minister can answer, then I will put the clause and the committee can move on.

The Hon. T.G. ROBERTS: Establishment funds of $850 000 have been set aside for this office. Funds would have been set aside under the previous government's arrangement. It was to be set up as either a stand-alone office or the within an agency. A further $500 000 has been allocated for recurrent funding, which the government believes is adequate to set up the office.

The Hon. Nick Xenophon: Is that based on interstate experience with similar bodies?

The Hon. T.G. ROBERTS: There has been an investigation of other states, and the government is satisfied that the allocations that it is making will be adequate.

The Hon. DIANA LAIDLAW: This point is critical in respect of clause 83 and the Liberal Party's opposition to the levy that the government has proposed to take from health professionals across the state. I am a bit confused about what the minister said, that it was $500 000 to set up and $850 000 to establish.

The Hon. T.G. Roberts: The other way around.

The Hon. DIANA LAIDLAW: So, $850 000 to set up and $500 000 is adequate to run, and that is to run without any call on the levy. These questions are very important and it is a good thing that we are raising them now, because you can be briefed by the time we get to clause 83, or even clause 15. These are very important basic issues on this matter. I am seeking the full budget—the staff, the whole thing. If you bring that back it will help facilitate the debate on other clauses. I am just forewarning you of things that will arise later so you can be really well briefed.

The Hon. T.G. ROBERTS: We could have arrived at that point before we got here, but that is another issue.

The Hon. A.J. REDFORD: I am conscious of standing orders and, in trepidation that the Hon. Gail Gago may inflict her considerable experience and knowledge of standing orders on me, I draw the minister's attention to clause 3(e), which says that the objects of the act are to identify, investigate and report on systemic issues concerning the delivery of health or community services. Whom does the minister understand would be responsible for implementing that object?

The Hon. T.G. ROBERTS: The HCS Ombudsman.

The Hon. A.J. REDFORD: Would that also cover things such as funding and comment about appropriate levels of funding for our health system?

The Hon. T.G. ROBERTS: No. It also includes a person acting in that office from time to time under the act. I will report progress. Requests have been made for a budget. I will try to get a full budget outline and a fresh briefing for honourable members. I am not sure whether we will continue after dinner as it will probably take much longer than that.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: There will be one in an office and I am sure one has been prepared.

Progress reported; committee to sit again.

[Sitting suspended from 5.58 to 7.45 p.m.]

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That the third interim report of the select committee be noted.

This report will make a significant contribution to the debate on internet gambling in this country. The report does not contain comprehensive recommendations; rather, it contains a compilation of information in relation to interactive wagering in South Australia.

In the second interim report of the select committee, which was a majority report tabled on 4 October 2000, the committee concluded that the focus of the government should be on providing a regulated alternative for gamblers to ensure that the appropriate harm minimisation strategies are in place. In its final report, the committee will consider in greater detail the desirable features of a regulatory model for interactive gambling. The second report also noted that online sports betting was identified as a major growth area that posed particular problems for government, sporting authorities and society at large. In its final report, the committee will further consider the regulatory challenge of these issues.

The committee considered the question of interactive wagering in great detail in the report, but it found that this area was changing so rapidly that, every time it sought to conclude the report, the situation had changed. Essentially, there were two main reasons: first, the commonwealth government is currently conducting a review of the legislation that was introduced at the time that this select committee was established. That legislation is currently being reviewed by the federal government, and submissions closed some time last month or earlier this month.

Of course, the Independent Gambling Authority has also been established, and it is currently conducting a review of associated issues as part of its undertaking. I note from a letter that my colleague the Minister for Gambling circulated to all members in relation to the Gaming Machines (Extension of Freeze on Gaming Machines) Amendment Bill that, on 7 March 2003, the Independent Gambling Authority released a draft discussion paper on its inquiry; written responses are due by 16 May 2003. The Independent Gambling Authority will hold further public hearings on 17 and 18 June 2003. The final report is due—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: The Independent Gambling Authority is obviously looking into issues that we believe will have some relevance to the work that we have undertaken. So, the committee decided that it would issue an interim report that will, essentially, be a compilation of information in relation to interactive wagering in South Australia and, in particular, issues associated with sports betting.

There are no specific recommendations as such; rather, they will be left for a further report of the committee. However, we believe that, by bringing it down at this time and releasing an up-to-date compilation of, first, the situation on interactive wagering in Australia and, secondly, all the laws in the individual states as they exist at this time, the report will assist debate on these issues; however, they are constantly changing.

In relation to the dimension of the problem, in the early part of the report it is noted that sports betting turnover for 1999, 2000 and 2001 (and these figures are from the Tasmanian Gaming Commission) was recorded at $461 million, $671 million and $880 million respectively. So, one can see that there has been a very rapid increase in sports betting turnover. However, if that is compared with racing turnover for the same period ($11 700 million, $11 600 million and $11 900 million respectively), it is still relatively small compared with traditional racing wagering. Nevertheless, whereas racing wagering is fairly static at approximately $11 700 million, sports betting is increasing rapidly, although it is from a much lower base. So, it is something that we need—

The Hon. T.J. Stephens: Who do you like in the Brownlow?

The Hon. P. HOLLOWAY: You will have to work that out. Nowadays, it is a bit of a lottery! The report certainly contains some information about the scale of sports betting in our community. It also looks at some of the discussion on harm minimisation and consumer protection measures that have been adopted to address the dangers related to interactive wagering. The report covers some of the various regulatory models that apply in Australia, and it also notes some of the challenges involved in the regulation of interactive wagering. For example, the increased range of sporting events on which bets can be placed requires scrutiny of events to ensure that matches are not fixed, and the report includes a compilation of what measures various sporting codes—such as AFL football, national football tipping, soccer, cricket and so on—have taken to ensure that their activities are legitimate. Each of those sports has particular issues in relation to sports betting, which will, ultimately, be of interest to state authorities.

The report contains a chapter on the regulation of interactive wagering, with models from various states, including South Australia, where the SATAB has the major betting operations licence. An interesting table appears on page 31 of the report which lists the statutory consumer protection and harm minimisation measures for interactive wagering in each of the states.

Although, of course, it is noted that, in relation to South Australia, we are currently in the process of developing statutory advertising and responsible gambling codes of practice through the IGA that may address some of these measures. Finally, the report looks at national guidelines for responsible wagering practice. I draw the attention of the council to a couple of the conclusions of this report, in particular conclusion 3.25 on page 23, which notes the following:

Interactive wagering is permitted by the Interactive Gambling Act 2001 on the condition that there is no betting during an event. However, there is uncertainty about what constitutes an event, and it is unclear whether TABs are in breach of the act when they provide betting services on the outcome of a quarter of a football match once the match has started. Notwithstanding this, wagering on the internet is available to South Australians and continues to pose challenges for regulators.

It is certainly clear to me that the commonwealth regulation of interactive gambling does certainly require some revision. There is no doubt that the way in which that legislation was conceived means that, unquestionably, a series of compromises was part of the development of that particular legislation to get it through the Senate. Certainly, in my opinion, there are some rather confusing and bizarre aspects to that legislation, and I am not surprised that it is currently being reviewed by the commonwealth government and, certainly, in my view it needs some clarification.

Nevertheless, with respect to my views, as expressed in the second interim report of the select committee back in 2000, it is my view that some regulation of interactive gambling is desirable and, in particular, I believe there should be some attempt to revive a commonwealth/state agreement in relation to interactive gambling so that there can be some certainty and clarity as far as regulation of this industry is concerned. This third report will, I think, at least assist the debate in relation to sports betting which, at the moment, is still relatively small but growing very rapidly.

There are some issues, particularly in relation to spread betting, which is, as the report points out, an area of betting that does involve significant risk, and the potential for people (if we were to permit this sort of gambling) to lose very large sums of money. That is another area we will, perhaps, need to look at in future reports. As far as the debate on interactive gambling is concerned, I hope that this particular report—'Horses, Sports and Events', as it is called—will make a worthwhile contribution to the further development of legislation in this area. With those comments, I commend the report to members.

Let me conclude by thanking Noelene Ryan, secretary of the committee, and George Kosmas, the research officer, for their considerable contribution to the development of this report. May I also thank the members of the committee for the positive way in which they have approached this particular subject.

The Hon. G.E. GAGO secured the adjournment of the debate.

MULTIPLE CHEMICAL SENSITIVITY

The Hon. SANDRA KANCK: I move:

That the Legislative Council request the Social Development Committee to inquire into and report on multiple chemical sensitivity, with particular reference to—

1. Which chemicals or chemical compounds are responsible for the majority of symptoms of multiple chemical sensitivity and how exposure to them can be minimised;
2. The effect of chemical exposure on human fertility;
3. The comparative status in other countries of multiple chemical sensitivity as a diagnosed medical condition;
4. Best practice guidelines in Australia and overseas for the handling of chemicals to reduce chemical exposure;
5. Current chemical usage practices by local government and state government departments and changes that could be made to reduce chemical exposure to both workers and the public; and
6. The ways in which South Australians with multiple chemical sensitivity may more effectively access sources of support through government agencies.

In November last year I moved a motion to set up a select committee to look at multiple chemical sensitivity. Since that time both government and opposition members and, I think, some of the Independents, have spoken in support of it, and I am delighted to have that support. However, the opposition has moved to amend that bill to make it a joint house select committee, and that has put me in a bit of a quandary. My experience—I would say 100 per cent experience—of joint house select committees is that they become very unworkable, mainly because they require a quorum with representation from both houses.

Again and again, on those sorts of committees, I have found myself sitting waiting for House of Assembly members to turn up. On one occasion I can remember we had a witness waiting for almost an hour for House of Assembly members to turn up so that we could get a quorum. It concerns me that this particular issue, which I think is one of particular importance, could become part of a joint house select committee and then find itself wallowing. It was my original intention when I gave an undertaking to the MCS association or society to get this matter referred to the Social Development Committee. At that stage, I think that the committee had four or five references in the queue.

Things have now improved dramatically with the Social Development Committee as far as getting that backlog out of the way. In fact, this week we have just seen the tabling of the poverty inquiry report, so that committee is moving at a rate of knots. I believe, therefore, that this issue would be better handled by the Social Development Committee as it is an appropriate committee. It was the committee to which I initially wanted this matter to be referred, and I now believe that, under the circumstances, rather than have the matter go to a joint select committee it would be better for it to go before the Social Development Committee.

While I am speaking I should mention (and I am sure other members have experienced it) the large amount of correspondence I have received in relation to multiple chemical sensitivity. I promise members that I did not organise any of this. I have been amazed at the inundation of emails I have received on this particular topic. One email I received comes from one David Suzuki, and I will read to the council what he has to say. Mr Suzuki's email states:

Dear Ms Kanck: I have been informed that you are introducing a parliamentary motion to look into multiple chemical sensitivity and have been asked to send you a letter. I am a scientist and host of a Canadian television program and we have done a show on mcs. It is an area that is fraught with controversy within the medical community. I can understand why doctors regard mcs with suspicion. They like dealing with direct cause effect relationships and mcs is not that simple. Personally, I am absolutely convinced mcs is real, that it is serious and probably just the tip of the iceberg. We live in a world in which tens of thousands of completely novel chemicals now assault us through the air, water and food.

Almost none has been tested even in the most primitive way for their toxicity to humans. And when it comes to synergistic interactions between two or more compounds there is no way that science can possibly address the possibility because the number of combinations and permutations of concentration, conditions, etc., becomes so enormous, even if we had the facility to do testing, the cost would be prohibitive. So, for example, we have an epidemic of asthma now afflicting children in Canada and Australia. Yet ask a doctor what the cause is and they become very evasive: 'Well, it could be dust mites' they say, 'and secondhand smoke and allergens. . . '

The simple reality is we take a breath of air 15 to 40 times a minute and filter whatever is in it. And if one in five children now gets asthma when 60 years ago when I was a boy asthma was

virtually unknown, it is rather obvious it must be something we are putting into the air.

But if we can't identify the cause, there is a tendency to dismiss the suggestion that there are multiple effectors. So that is the challenge you will encounter if the study goes ahead. Scientists and medical doctors will be quick to pooh pooh! the reality of MCS, but that only reflects their bias. I hope that you do carry out the study and that you will keep me informed of the results.

That is signed David Suzuki, Chair of the David Suzuki Foundation. So, news of this motion and referral to committee has travelled world wide. I indicate that later on the *Notice Paper* I have an existing motion and, having moved this motion, I will move to discharge the motion that I moved in November.

The Hon. G.E. GAGO: On behalf of the ALP I rise to support this motion. I have spoken before in support of our position with respect to an inquiry into multiple chemical sensitivity, and that is on the record, so I do not need to repeat our commitment to that. I was very pleased to note that this matter is being referred to the Social Development Committee; I think that is an appropriate committee to deal with it. Of course, I have a personal benefit from this, I must say, given that I am chair of that committee and have a personal interest in this matter. So, I will be particularly pleased to see this motion carried. I do not think I need to say any more; our position is on the record and we support its going to the Social Development Committee.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

The Hon. IAN GILFILLAN: I move:

That the final report of the joint committee be noted.

Members will recall that the Joint Committee on the Impact of Dairy Deregulation on the Industry in South Australia occurred in two parts. We had a preliminary committee, which ceased at the election, then it was reactivated and completed its business in May this year. The first committee was formed on 27 September 2001—

The Hon. T.G. Roberts: A very fine committee it was!

The Hon. IAN GILFILLAN: I was about to acknowledge on the record the wonderful contribution that was made to that committee by a brace of Roberts, both of whom have now risen to heights well above the ordinary, mundane work of joint house select committees, namely, our illustrious President, the Hon. R.R Roberts, and the Minister for Aboriginal Affairs and Reconciliation, the Hon. T.G. Roberts. Facetious though that comment may be, on a more serious note I want to express that that committee did a lot of substantial work. At that time David Pegram was the secretary and Randall Ewens was the research officer, both of whom contributed significantly to the work of the committee.

The Hon. T.G. Roberts: I did not see the comment as being facetious.

The Hon. IAN GILFILLAN: I think it is important that I acknowledge for the *Hansard* record that the Hon. R.R. Roberts spoke on behalf of you both, reflecting that you had not seen my praise as facetious: in fact, it was an accurate observation of the situation. Let me move on, if I may, past the blandishments of former committee members to acknowledge that the committee that has just completed its task took on in this place the Hons John Dawkins and Robert Sneath (and this is not a competition), both of whom contributed substantially—

The Hon. J.F. Stefani interjecting:

The Hon. IAN GILFILLAN: They both performed remarkably well. There was no requirement for any practical work; they did not have to illustrate their capacity to actually milk the odd cow, although I am sure that the Hon. Mr Dawkins could have illustrated that. The committee continued then to take further evidence. I commend the final report to members. It is the most definitive and readable summary of what is a very confusing situation. Deregulation itself is very confusing, but the actual distinction between market and manufacturing milk, which varied between states, and the fact that some growers in our state were marketing over the border in Victoria, resulted in one of the most confused situations to unravel that I have been confronted with in my time in this place.

I indicate that I found it satisfying and enjoyable to be able to chair that committee. I intend to mention what I regard as a couple of significant results of the final report and to read into *Hansard* the summary of the recommendations. After some deliberation, the committee eventually decided that it was important to recognise that the South Australian Dairy Association, in our opinion, had not been able to fulfil or had not totally fulfilled what we felt was its responsibility in looking after, in particular, the minority of dairy farmers in the South-East—those who were most seriously affected by being deprived of some of the deregulation compensation payments.

I cite to the chamber the paragraph beginning at the top of page 15. For the benefit of *Hansard*, AFFA stands for the Department of Agriculture, Fisheries and Forestry in Australia and DSAP is the dairy structural adjustment package. The report states:

The committee received evidence that AFFA accepted the definition of market and manufacturing milk, used by DSAP under the recently ended commonwealth domestic market support and that SADA [South Australian Dairy Association] accepted the package as the best available at the time in achieving a nationally agreed outcome. It acknowledges that the SA equalisation scheme operated such that the method of calculation for DSAP did not provide for farmers receiving similar gross proceeds. The committee felt that SADA was in part responsible for the unsatisfactory outcome, in that all their members were not treated equally, and in a fair and just manner.

The summary of the recommendations were these, in answer particularly to the major questions in the terms of reference:

Was deregulation managed in a fair and equitable manner? The committee considers that there were aspects of the deregulation process that were not managed in a completely fair and equitable manner, and recommends that the federal and state governments be urged to take whatever steps considered practical to address these effects including:

(a) Review the consequences of definitions of market milk and manufacturing milk as they effect the application of the DSAP and in particular, where these definitions may have compounded fairness and equity issues arising from the first round of adjustment assistance;

(b) Investigate the practicality of amending the definitions of market milk and manufacturing milk to address issues of fairness and equity arising in the application of the DSAP; and

(c) Review the operation of section 30 of the (Commonwealth) Dairy Industry Adjustment Act 2000 and in particular the ability to appeal the proscription of milk not covered by state pooling arrangements under the SA equalisation agreement.

What has been the impact of deregulation on the industry in South Australia?

The committee considers that there were aspects of the deregulation process that impacted adversely on some dairy farmers and their associated communities, and recommends that the federal and state governments be urged to step up efforts to monitor and address these effects in conjunction with relevant industry organisations.

What is the future prognosis for the deregulated industry? The committee considers there to be a positive prognosis for the industry and recommends that the federal and state governments continue support for industry development initiatives. The committee encourages the dairy associations to approach governments with positive initiatives to carry the industry into the future.

The significant number of opportunities available to the dairy industry as a result of modern techniques, value adding and marketing including those in the proposed industry plan.

As a consequence of these and other related matters, the committee recommends that the federal and state governments continue support for the Dairy Industry Development Board and the evolution, promotion and implementation of its (industry) strategic plan for 2010.

There was an added term of reference in the committee mark 2, which urged us to look at the future of the industry. We took evidence from several people on that side of the terms of reference, and Mr Perry Gunner, Chairman, Dairy Industry Development Board, gave us very encouraging and optimistic evidence.

I think that that was useful, but I suppose one could define our observations and findings as being motherhood statements. We definitely are supportive of the industry, but it must not cloud the fact that the committee was originally formed because of what was portrayed to us as an ongoing injustice in equity which was compounded because, having discriminated against those unfortunate dairy farmers who had, in many cases, from conditions not of their own making, been marketing their milk into Victoria, they suffered and continue to suffer a reduction in the benefit that their colleagues who had continued to market in South Australia had received. We addressed that. We recognised that inequity, and therefore we have made those observations in the recommendations.

My final observation and my personal view in relation to the whole matter of deregulation is that it had become (and probably still is) regarded as a panacea for perceived problems and distortions in marketplaces. I am afraid that this deregulation of the dairy industry has reinforced my impression that, far from being a panacea, deregulation is often a Pandora's box; that is, once one has moved into it, the consequences that flow in almost every case is that there is no overt advantage either to the producer or the consumer of the product, and quite often it opens up opportunities for exploitative manipulation of the market. I must say that having digested—

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: I will not be drawn or tempted by a mischievous minister into following that path. I will discipline myself in that respect. However, I would like to say that it was very revealing to see how complicated this situation became through the process of deregulation, and I do not believe that we have seen the end of the consequences of deregulation and its detrimental effects on large areas of the dairy farming community in South Australia. In conclusion, I thank the members of both the earlier and the most recent committee for their contributions, Paul Collett, who was the secretary of the second committee, and particular thanks to Randall Ewens. Although he has moved on now—he has taken a package and he has left the public sector—he put a lot of very hard work into providing us with this report, and I recommend to the chamber that it be noted.

The Hon. J.S.L. DAWKINS: I support the noting of the report. I am pleased to follow the Hon. Mr Gilfillan who ably chaired that committee. Certainly he chaired both sections, that is, before the 2002 election and post. I joined the committee only last year when the terms of reference were widened somewhat to look further at the significant opportunities available to the dairy industry as a result of modern techniques, value adding and marketing, including those in the proposed industry plan. I do not wish to keep the council too long tonight, but I think it is worth going through some of the recommendations, some aspects in relation to evidence that was given to the committee and some other related matters. The minister might smile, but I will be as brief as I can.

In relation to the first term of reference, 'Was deregulation managed in a fair and equitable manner?', the recommendation in response to that is as follows:

The committee considers that there were aspects of the deregulation process that were not managed in a completely fair and equitable manner, and recommends that the federal and state governments be urged to take whatever steps considered practical to address these effects including:

(a) review the consequences of the definitions of market milk and manufacturing milk as they effect the application of the DSAP and, in particular, where these definitions may have compounded fairness and equity issues arising from the first round of adjustment assistance;

(b) investigate the practicality of amending the definitions of market milk and manufacturing milk to address issues of fairness and equity arising in the application of the DSAP; and

(c) review the operation of section 30 of the (Commonwealth) Dairy Industry Adjustment Act 2000 and, in particular, the ability to appeal the proscription of milk not covered by state pooling arrangements under the South Australian equalisation agreement.

In relation to the second term of reference, 'What has been the impact of deregulation on the industry in South Australia?', the recommendation is as follows:

The committee considers that there were aspects of the deregulation process that impacted adversely on some dairy farmers and their associated communities, and recommends that the federal and state governments be urged to step up efforts to monitor and address these effects in conjunction with relevant industry organisations.

In relation to the third term of reference, 'What is the future prognosis for the deregulated industry?', the recommendation is as follows:

The committee considers there to be a positive prognosis for the industry and recommends that the federal and state governments continue support for industry development initiatives. The committee encourages the dairy associations to approach governments with positive initiatives to carry the industry into the future.

Finally, in relation to the last term of reference, 'The significant number of opportunities available to the dairy industry as a result of modern techniques, value adding and marketing, including those in the proposed industry plan', the recommendation states:

As a consequence of these and other related matters, the committee recommends that the federal and state governments continue support for the Dairy Industry Development Board and the evolution, promotion and implementation of its (industry) strategic plan for 2010.

As the Hon. Mr Gilfillan said, we did receive some very good evidence from Mr Perry Gunner, who is the Chairman of the Dairy Industry Development Board. He ran us through a very good prognosis for the dairy industry, as was the case when he gave evidence to us a few months ago. He talked about the 2010 dairy plan, and the aims within that plan. Some of those aims and targets included:

- increase cheese production in South Australia from 40 000 tonnes per year to 80 000 tonnes per year;
- increase whole milk production in South Australia from 700 million litres per year to 1 billion litres per year;
- develop an alliance that links cheese to wine for the mutual benefit of both the wine and dairy sectors, with spin-offs for South Australian tourism and other products;
- pursue opportunities for high margin products such as dairy food ingredients and specialty cheeses;
- review export opportunities and target specific high value markets with potential for sustainable growth and higher returns; and
- encourage state government to provide operating certainty for dairy farmers and the dairy industry.

That last point brings me to another area that is not related necessarily to the inquiry but is very much part of the dairy industry. The prognosis from our inquiry into the dairy industry was very good. However, since then we have seen the change of policy by the government in relation to the Lower Murray irrigation area, the economy of which is largely based on the dairy industry. The change in arrangements for farmers in that area with respect to rehabilitating their irrigation area means that many of them will not be able to afford to continue dairying, and they will certainly not be able to pay the costs of rehabilitation. They were expecting a scheme similar to that in the Loxton irrigation area, which is based on a 40 per cent state, 40 per cent federal and 20 per cent grower arrangement. The funding boundaries have changed significantly and that has cast considerable doubt over what is an important part of the dairy industry in South Australia.

I refer also to an issue related to the dairy industry. The committee took evidence from representatives of the Milk Vendors' Association. The report does not refer specifically to the milk vendors' problems because of the view that they did not really come under the terms of reference of the committee. However, it is certainly related to the dairy industry. The Milk Vendors' Association has forwarded a significant submission to the Minister for Agriculture, Food and Fisheries, and I will read an extract from that submission, as follows:

> The progressive deregulation of the dairy industry since January 1995 has succeeded in delivering significant benefits to consumers. Within the dairy industry, processors and retailers have, under deregulation, been in a position significantly to increase margins and, hence, their profitability. It was widely recognised prior to the onset of deregulation that the remaining two industry groups, namely, primary producers and licensed vendors, would bear the brunt of the inevitable adjustment costs and that many of their number would cease to be viable in the new environment.
>
> The commonwealth government responded by introducing its DSAP adjustment package for primary producers and the states, other than South Australia, introduced packages to assist licensed vendors. The licensed vendors of South Australia should, in fairness, receive comparable assistance. The proposal which has been advanced by the association is reasonable and equitable. It draws on the interstate experience and reflects the fact that the major beneficiaries of dairy deregulation have been consumers at large. In the period 1997-2001, South Australia received $143.1 million in NCP payments. It is estimated that, in the period 2001-2004, South Australia will receive a further $168.9 million. These NCP payments are the means by which the gains from structural reform are distributed to the community.
>
> In the case of the dairy industry reforms, the community at large has benefited through lower retail prices; the processors and the major retail groups have benefited through increased margins; and primary producers have been compensated through the commonwealth government DSAP package. Licensed vendors have suffered considerable losses as a direct consequence of structural reform in the dairy industry. They have received no compensation for those losses.

I understand that that submission has been with the Minister for Agriculture, Food and Fisheries for some time and I would urge him to respond to the Milk Vendors' Association in the near future.

In conclusion, while I have enjoyed the work of the committee and it has given me greater familiarity with an industry in which I briefly worked many years ago, there is some frustration in the fact that, whatever recommendations the committee made, some people may not see any benefit. However, I am very pleased that generally the future of the dairy industry in this state seems to be very good, other than the concerns that I expressed earlier about the Lower Murray region.

I thank the chair for the work that he did in making the committee work very well, with some difficulty at times. I also extend my thanks to the other members of the committee and to the secretary, Paul Collett, and the research officer, Randall Ewens.

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

SOCIAL DEVELOPMENT COMMITTEE: POVERTY

The Hon. G.E. GAGO: I move:

That the report of the committee on an inquiry into poverty be noted.

Poverty is a complex issue that impacts and is affected by an enormous range of social issues. The particular focus of the Social Development Committee's inquiry was on intergenerational poverty in Adelaide's disadvantaged regions. The committee defined intergenerational poverty as a state of persistent poverty continuing into the adulthood of different generations of the same family unit, and which is substantially due to the effects of poverty in childhood. The committee heard oral evidence from 29 organisations and four individuals and received 28 written submissions. The breadth of the topic is reflected in the diversity of evidence received, including from the welfare, education, housing, urban planning, employment, industry, transport and health sectors, and in the 90-odd recommendations that the committee adopted.

The committee received evidence about many existing programs and services aimed at reducing poverty and its impact on younger generations in this state. It is clear, however, that poverty remains a significant issue in some sectors of Adelaide's community. Furthermore, many strategies currently employed tend to be reactive, rather than preventative. First and foremost, therefore, the committee proposes that there must be a major shift in emphasis towards early childhood intervention and prevention in the approach to poverty. Early childhood intervention initiatives have been shown to reap significant benefits as well as economic savings in the long term.

While there continues to be a need for some services to be targeted towards crisis intervention and intervention to remedy existing problems, future strategies should focus on the phase of the cycle that will efficiently and effectively reap the greatest benefits. There is also clear evidence from overseas that a coordinated anti-poverty strategy can have a significant impact on poverty levels, particularly when greater focus is placed on early childhood intervention and on

improving parenting skills, especially of young and sole parents.

The most significant recommendation of the inquiry, therefore, is that the government establish and implement a long-term state anti-poverty strategy which has a principal focus on developing and increasing strategies to enhance early childhood intervention and preventative approaches to poverty. This strategy should, amongst a number of proposed elements outlined in the report, be multi-sectorial, facilitate coordination between existing anti-poverty initiatives, promote solutions that are driven by the communities they seek to serve and aid the proper evaluation of initiatives with a view to long-term support for proven programs and services.

The committee also identified the inadequacy of the commonwealth Centrelink benefits in view of significant increases in real living costs in recent times, particularly those with additional financial burdens, such as carers. Some of these witnesses stated that even with the most frugal budgeting there was at times simply not enough to stretch to meet all essentials. We therefore urge the government to call for an immediate government review of all payments. This issue is particularly timely in view of the current Senate Standing Committee on Community Affairs Inquiry into Poverty and Financial Hardship due for completion in June this year. This inquiry has a key focus on the effectiveness of income support payments in protecting individuals and households from poverty.

Before continuing I acknowledge the hard work and cooperation of my colleagues the Hon. David Ridgway, the Hon. Terry Cameron, Mr Jack Snelling, Mr Joe Scalzi and Ms Francis Bedford. Their willingness to work collaboratively was an important element in producing such a high quality report on an issue that is extremely complex and challenging. I also acknowledge the work of the secretary to the committee, Ms Robyn Schutte, and the Research Officer, Ms Susie Dunlop, in preparing and writing the report. Their professionalism, diligence and humour were appreciated by all members of the committee and were pivotal in the production of such a worthy report. I also acknowledge Kristina Willis-Arnold for her assistance.

I acknowledge that there have been a number of recent detailed investigations by a range of government departments that are relevant to the poverty debate, and we were mindful of these in our deliberations. Where relevant the committee has referred to those investigations in its report rather than attempting to duplicate those areas. In view of the metropolitan focus of the current inquiry, I also draw attention to the Social Development Committee's previous inquiry into rural poverty, tabled in November 1995.

I will now provide a brief overview of the context within which the poverty inquiry was conducted. First, while there have been lengthy academic debates about the definition of 'poverty', this committee saw its chief role as proposing solutions to problems rather than lengthy analysis of definitions. The committee accepted a range of definitions of 'poverty' from the literature and evidence, which allowed for the use of up to date poverty lines. There was little disparity between the concepts of poverty presented in evidence and, like committee members, most contributors were more interested in producing solutions to the social manifestations of poverty rather than arguing about its definition. Data consistently indicated high levels of income poverty in South Australia compared with most other states.

According to a study by SACOSS and the University of South Australia, 23.3 per cent of households in this state are below the poverty line, compared with 17.9 per cent nationally. However, due to relatively low housing prices in this state, the poverty rate after housing costs are accounted for is 11.8 per cent, which is just below that of the national average for housing adjustment, which is 12 per cent.

It is of considerable concern that the committee identified strong trends of reduction in public housing and increased pressure and competition in the private rental market in Adelaide, given our reliance on low housing costs to minimise poverty. Furthermore, while there have been significant increases in the level of poverty throughout Australia since the early 1980s, those increases have been more marked in this state. Between 1981 and 1998 the rate of household poverty in South Australia has more than doubled—a statistic that is deeply concerning and something that we should all be ashamed of.

During this period it increased from 10 per cent to 23.3 per cent. This is the greatest percentage increase for any state. Unemployment rates are also traditionally higher in South Australia than in other states, although this situation recently improved with the lowest unemployment rate since 1978 being announced in January. This rate of 5.6 per cent is also lower than for other states and the national average of 6.2 per cent, I think for the first time in 25 years.

Levels of unemployment and levels of poverty are not, however, the same thing. It is certainly true that particularly long-term unemployment remains the key cause of poverty for individuals and families throughout Australia. However, on an aggregate level an improvement in unemployment rates does not always mean a decrease in poverty. This is because the distribution of employment across the population and levels of full-time jobs, as opposed to part-time and casual jobs, are significantly affected by poverty. In other words, employment gains have been increasingly concentrated in households that were not previously poor or struggling.

National statistics show that, while the number of Australian families with both parents in employment increased throughout the 1990s, so did the number of jobless families and families living in poverty. The chronic unemployment rate also rose significantly during that time. The proportion of Australian children living in income support recipient families doubled from 11.5 per cent in 1978 to 23 per cent in 1997, with 60 per cent of these children in sole parent families. The McClure report on welfare reform produced by the commonwealth in 2001 states:

> Australia is in its eighth year of strong economic growth, yet joblessness, under-employment and reliance on income support remain unacceptably high. Disadvantage is also concentrated increasingly in particular segments of the population and in particular localities. These are not problems being faced by Australia alone; they are being experienced in many comparable countries. Over recent decades a variety of economic and demographic factors have contributed to create the new and disturbing phenomena of jobless families and job poor communities. These unequal outcomes have generated the unacceptable prospect that significant contributions of economic and social disadvantage might become entrenched.

There is some significant evidence of slightly less income inequality in South Australia than in other states due to relatively low numbers of high income and high numbers of low income earners. However, the committee received consistent evidence that the gap has and is continuing to increase in accordance with national trends.

Through detailed analysis the inquiry identified those areas of Adelaide where disadvantage has become increasing-

ly entrenched, and these are not new to any members. They include the outer northern suburbs, especially the 'Peachey belt' area comprising Elizabeth, Davoren Park and Munno Para, 'the parks', the outer western suburbs of Osborne, Taperoo, Blair Athol and Kilburn, some of the southern areas including Noarlunga and Christie Downs, and the northern suburbs closer to the city around Enfield and Gilles Plains.

The inquiry revealed a great deal of local, national, and international evidence on intergenerational poverty, of families with two, three and sometimes four generations dependent on welfare. However, most evidence was purely anecdotal. In support of that anecdotal evidence, research provides consistent and compelling evidence of heightened poverty risk amongst children growing up in poverty. Nevertheless, there is a lack of data to quantify the extent of intergenerational poverty in this state. Such data would enable a state anti-poverty strategy to focus initiatives on intergenerational poverty to an appropriate extent. The committee therefore recommends that the state government negotiate with the commonwealth to collect national and South Australian data on the extent of intergenerational poverty and welfare dependence.

Mindful of the fact that time does not permit discussion of all 90-odd recommendations, I will now provide an overview of some of our key findings and recommendations of the inquiry. First, the committee has made some additional specific recommendations in the area of early intervention.

These include:

- that early intervention initiatives within existing accessible structures such as pre and junior primary schools, community health centres and neighbourhood houses, be a priority;
- that programs to support the parenting role of young parents be expanded; and
- that greater supports to assist young parents (particularly teenage mothers) to continue with their education be developed and implemented.

Without wishing to detract from the focus on early intervention, the committee made further recommendations in relation to a broad range of key findings, some of which will involve negotiations with the commonwealth government on matters that are obviously commonwealth responsibility. Education was a central focus of the inquiry. Research consistently shows that parental educational level is one of the strongest predictors of education and the employment outcomes of children. It is therefore also a crucial area of intervention in order to break that intergenerational poverty cycle. Improving opportunities for parents is also likely to have a major influence on the education and potential employment outcomes of children.

Also, while schools must provide a full range of opportunities for all students, there is a clear need for better communication between industry and schools and improved vocational education to ensure that future job vacancies can be accessed by local school leavers who do not wish to pursue higher education. The committee's recommendations in relation to education therefore include:

- a review of the Education Act 1972 and other relevant legislation to include adequate emphasis on early childhood intervention;
- improved access to education for adults in poverty through better transport, child care and support for community based adult education programs;
- expansion of vocational education, traineeships and school based apprenticeships in school curricula through collaboration between schools and local industries; and
- an increase in trade apprenticeships in sustainable industries.

The committee also calls for the state government to oppose any commonwealth moves to increase HECS obligations and rates and oppose any further moves towards up-front fees. Of course, after our Prime Minister's federal budget announcements last night, we can clearly put a big cross beside any chance of achieving that outcome. Not wanting to be too political, additional pressures on teachers and problems attracting staff to disadvantaged schools must be addressed. The committee called for the government to:

- explore options for applicant interviews to assist with appropriate teacher selection;
- improve pre-service training, supports and professional development to assist teachers to better deal with issues of disadvantage;
- expand professional careers information and counselling roles in these schools; and
- encourage schools to develop innovative models to provide support, personal advice and assistance to students, improve parental involvement in the school community and improve relationships within schools.

One of the programs that particularly impressed the committee was the Salisbury High School Care Management. Consistent with the importance of community capacity building, it is also important that schools have the flexibility to implement programs and purchase services that they know are needed and are the most suitable to their particular school environments and the culture of the particular community that they serve. Partnerships 21 goes some way to addressing this issue.

I acknowledge that some of the findings and recommendations of this inquiry may relate to the outcomes of the Department of the Premier and Cabinet's Social Inclusion Unit School Retention Initiative, the report on which is due for release in the first half of 2003. I also acknowledge the outcome of the 2002 Ministerial Task Force on Absenteeism, in view of the issue of student absence and transience in low socioeconomic communities.

It is clear that education is central to any anti-poverty strategy, but we cannot ignore that education and training strategies will struggle to achieve significant outcomes unless economic policies and strategies stimulate sustainable job growth, including in local areas of disadvantage. To this effect, the committee therefore calls for:

- a statewide industry plan to, among other goals, better coordinate employment forecasting;
- strategies to reduce unpaid overtime in order to improve the distribution of employment opportunities; and
- evaluation of the effectiveness of the state government Youth Training and Recruitment Scheme in reducing youth unemployment and review the scheme placement numbers pending evaluation of findings.

We received some promising evidence of existing initiatives that provide training that is directly linked to real job opportunities in socioeconomically disadvantaged areas, such as the Northern Adelaide Development Board's Training and Employment Development Centre and the Smithfield Plains Printing and Graphic Arts Training Centre.

The next key issue I would like to discuss is the fundamental importance of housing and urban planning in influencing the level and nature of poverty. The committee has made

more than 20 recommendations in this area. Concentrated public housing is a key cause of entrenched locational disadvantage. Also, a lack of stable and adequate housing significantly reduces the ability of people to make improvements to their financial and social situation and can have major detrimental effects on the education of children and young people.

The committee therefore acknowledges the central role of Planning SA, the South Australian Housing Trust and other housing authorities such as the Aboriginal Housing Authority and the South Australian Community Housing Authority in altering and creating infrastructure in ways that are conducive to reducing social disadvantage. The committee calls for:

- expansion of services to assist disadvantaged groups to obtain appropriate private rental accommodation housing;
- expansion of programs that assist people at risk of eviction with causal issues (such as family breakdown);
- development of greater incentives for increased proportions of low-cost housing in new developments and examination of the feasibility of legislating to this effect;
- encouragement of the adoption of Planning SA's Good Residential Design SA in local government planning regulations; and
- the linking of urban development and renewal to social inclusion initiatives and local employment and training initiatives, such as achieved by the South Australian Housing Trust in the Hawkesbury Park development in Salisbury North and the Westwood redevelopment.

I also stress the importance of the Homelessness Strategy currently being developed by the Social Inclusion Unit, and look forward to its release. Clearly, another critical issue raised in the inquiry was that of Aboriginal and Torres Strait Islander communities throughout Australia. These communities continue to experience very high levels of intergenerational poverty and social disadvantage, and this state is no exception. Furthermore, while indigenous poverty is often perceived as solely a rural or remote issue, it is a serious issue within Adelaide's Aboriginal population of more than 11 000 indigenous people, and one that warranted significant attention in the inquiry.

ATSIC reported that at least one-third of Adelaide's indigenous population experiences severe poverty, many lacking sufficient resources for minimum levels of food, clothing and shelter. The committee does not claim to have comprehensively addressed all the complexities of intergenerational poverty within the indigenous population. However, the report does identify a number of distinctive issues that influence levels of poverty among indigenous people. These include:

- issues of culture and identity;
- racial discrimination and a legacy of historical injustice, including loss of land;
- the relatively young age profile of Adelaide's indigenous community and relatively high proportion of young and sole parents;
- problems in the relationship with mainstream services;
- higher levels of dependence on public and private rental;
- higher rates of health problems relative to the general population; and
- the impact of very high rates of involvement in the criminal justice system.

The South Australian division of ATSIC provided evidence of a number of reports and inquiries that have been able to address issues of Aboriginal poverty and wellbeing more comprehensively. In many cases, however, these recommendations have not been fully or adequately implemented and the committee called for the implementation of recommendations of a number of these previous studies and inquiries as a matter of some urgency. They are listed in the report.

I want to do justice to all the extremely important issues that were raised in the inquiry as part of the poverty debate, and I believe that the full report and its 90-odd recommendations do this. However, I want to mention a few of the other concerns that were raised with the committee, which include the impact of recent rises in electricity prices; the significant concerns in relation to credit and financial service schemes, to which low income people are particularly vulnerable; the need for adequate transport, especially public transport, in outer metropolitan suburbs; and the considerable disadvantage experienced by a number of newly arrived migrant and refugee communities.

Other significant issues raised were the links between poverty and family breakdown; child abuse and neglect; health—mental health and disability; substance abuse; and gambling. The Social Development Committee has previously undertaken an inquiry into gambling, and the report was tabled in August 1998.

In conclusion, I repeat that there is a need for a change in approach to poverty in this state to break the cycle for families and communities at risk of entrenched social disadvantage. The committee received endless evidence from dedicated yet disparate responses to poverty from a variety of sectors and agencies. I repeat that there is a need to maintain some crisis response services and intervention to remedy existing problems. I commend the efforts of the many organisations and contributors to the inquiry whose work towards solutions is extremely valuable.

However, the current systems have failed to significantly reverse the trend of increasing entrenched poverty in some families and communities in South Australia. Therefore, it is the role of government to implement a global and more efficient approach to poverty in this state via a new state anti-poverty strategy which will break the cycle of poverty by the coordination of services and by major emphasis on early childhood intervention and prevention.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE (YUMBARRA CONSERVATION PARK) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the National Parks and Wildlife Act 1972. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

This bill is the product of a broken election promise by the Labor Party. At the last state election, the Labor Party released a policy called 'Wildcountry—a plan for better reserves and habitats'. It committed a future Rann government to:

> . . . build on South Australia's strong tradition of protecting our state's natural resources in parks and reserves. Labor will defend and conserve our precious network of national parks and ensure that conservation values are not eroded by commercial development.

The policy document also states:

> Since European settlement, 24 species of mammals and 28 plant species have become extinct. Unless we take immediate action, 41

more mammals, six reptiles, 20 birds and 144 plants on the endangered list may follow in South Australia.

In government, Labor committed itself to adopting a 'no species loss strategy' and to 'work towards achieving this by protecting viable habitats, rehabilitating depleted habitats and proactively addressing threats to species'. I point out that Yumbarra Conservation Park is one of those areas that is a viable habitat. The government also specifically committed to 'restoring Yumbarra as a single proclaimed conservation park if the current exploration lease proves fruitless and expires'. I have no doubt—in fact, I know—that the environment movement was very pleased to see this commitment by the Labor Party to preserving Yumbarra.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: They were chasing something. I am not quite sure what it was, but maybe it was not the truth. There were excellent reasons for the Labor Party to adopt this policy position. Yumbarra is one of the state's most important areas of wilderness and includes species found nowhere else in the world. It is an ark in the Mallee, protecting numerous endangered and vulnerable species of flora and fauna, including button quails, mallee fowl, purple naped honeyeaters, pungent honey myrtle and spiny Templetonia. Yumbarra is also a fragile haven for a dazzling array of reptiles. Numerous species of skinks, geckos, dragons, lizards and legless lizards share Yumbarra with goannas and snakes.

Although it does not have direct economic value, this pristine section of mallee is part of the common wealth of South Australia. As a society, we have an obligation to future generations to protect such unique areas and to conserve the estate. In 1999, the then Labor opposition joined with the Democrats to oppose the Liberal government's motion to open up Yumbarra to exploration for mining. At that time, John Hill, the environment shadow minister in another place, stated:

> The government's whole attempt to deproclaim Yumbarra is based on politics not on prospectivity.

The Hon. Terry Roberts in this placed called the reasons advanced by the Liberal government 'spurious'; obviously, he will support this bill. He went on to say:

> Yumbarra is an intact wilderness ecosystem that has been undisturbed for eternity. We now have the integrity of that ecosystem being challenged by the prospect of exploration and mining.

Indeed it is, and now is the moment of reckoning for the Rann government. The initial exploration has undoubtedly left its grubby fingerprints on this pristine wilderness. We know that more exotic weeds and animals are now more likely to be found in the park than before exploration began. We know that the exotic encroachment of Yumbarra has placed greater pressure on the park's native flora and fauna. We also know that this recent damage is not irreversible, but that will not be the case should mining be allowed to take place in Yumbarra. Protection or desecration is the choice before all members of this council.

My bill seeks to provide complete protection for just the original section of Yumbarra, which is a tiny portion of the greater Yellabinna area. The rest of Yellabinna is open for mining. This bill also seeks to do no more than give effect to the Labor Party's policy at the last state election. I will repeat that promise:

> Restore Yumbarra as a single proclaimed conservation park if the current exploration lease proves fruitless and expires.

That lease has expired, and the holders of that lease have walked away from it. Now the government is trying to weasel out of that commitment. It says that its words have been misinterpreted.

That argument is sheer nonsense, and it is an affront to the environment movement. If the government issues another lease it will break a clear election promise. There is no excuse for that, and there is no honour in any member of this parliament assisting it in that breach. There is one other piece of information this council needs to consider. This bill has the public endorsement of South Australia's leading conservation groups. The Wilderness Society, the Conservation Council of South Australia, the Nature Conservation Society and the Friends of the Parks have released a joint communique supporting the passage of this bill.

To my knowledge, and I did work for the conservation council about 12 years ago, this is the first time that such a joint communique has been released by these groups supporting the passage of any bill in this parliament. In part, the communique reads:

> We the undersigned conservation groups with specific interests and expertise in the protection of South Australia's nature reserves support the South Australian Democrats move to amend the National Parks Act to permanently ban mining in Yumbarra Conservation Park. Yumbarra Conservation Park in the state's west is one of South Australia's most unspoilt parks and, positioned on an important biogeographical transition zone, it has high conservation value. We congratulate the Democrats on bringing this bill into parliament and call on the government, opposition and all members of parliament to support this bill and protect Yumbarra.

Clearly, these groups believed the promise that the Labor Party made at the last state election. This parliament will rarely get better informed advice than from these four groups, and I urge all members to heed that advice.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

FOOD BUSINESS

Orders of the Day: Private Business, No. 5: Hon. J.M. Gazzola to move:

> That the regulations under the Food Act 2001 concerning Food Business, made on 21 November 2002 and laid on the table of this council on 26 November 2002, be disallowed.

The Hon. J. GAZZOLA: I move:

> That this order of the day be discharged.

Motion carried.

DIGNITY IN DYING BILL

In committee.

Clause 1.

The Hon. KATE REYNOLDS: I was not here when this bill was introduced so, with the leave of the chair, I would like to make a few brief statements. In the article 'A Matter of Life and Death' in the 2003 *International Wellbeing Annual*, Caroline Robson wrote:

> Avoidance of death also lies in society's unwillingness to face the dilemmas of ageing, disease and pain as these are contrary to the valued assets of youth, health, productivity, wealth, wellbeing and power.

People spend vast amounts of time, and sometimes vast sums of money, trying to look go good (whatever that might be), to look young, to stay well, to make more money and to have more power. If that is your cup of tea, that is all well and

good provided you are never faced with disease or pain which consumes your existence. I acknowledge that some people are comfortably able to accept that they are either slowly or quickly at the end of their life cycle—however that end might play out—and are willing to let nature take its course. But some people find themselves in extreme physical and psychological distress as they approach very old age, progressive disease or chronic pain.

However, even with the very best palliative care some people, in what they consider to be for themselves a hopeless situation, will want to choose when and how to end their life. As my colleague the Hon. Sandra Kanck said in this place in May last year, when people are denied the right to legal voluntary euthanasia, which is the state of play almost everywhere in the world, some of them will make the choice of suicide, which forces them to act covertly in order to find the means to bring it about, and the appropriate time to take the action when they know that members of their family will not be present. They have to pretend to their families; they have to be secretive; and they have to be dishonest.

Many people I have spoken with have expressed to me their very strong desire never to be placed in this position, and it is one that I would wish to avoid for myself and for the people I love and care about. This bill provides a first step towards offering a legal, properly supervised, supported and dignified opportunity for people without hope to choose the time they exit this world, and it has my support. I would also add however that, regardless of the successful passage of this bill, I believe that governments and communities must properly fund holistic, community based palliative care services; services which offer much more than the promised but not always possible relief of physical pain, in recognition of both the biological and spiritual nature of death and dying.

The Hon. T.G. CAMERON: I rise to make a very brief contribution. I have not spoken on the second reading of this bill. This bill has come up before; this one is a slight variation. I indicate to the council that I have no intention of supporting this bill. I have no intention of supporting a bill which in my opinion would just issue licences to doctors to kill people. I intend to vote against it.

The Hon. R.D. LAWSON: I have a contribution to make on clause 1 of this bill, which provides that this bill be titled the Dignity in Dying Bill. That is a catchy and alliterative title, Dignity in Dying: dignity meaning formal or stately; something worthy of honour. In my view that title disguises the true nature of this bill, as the Hon. Terry Cameron mentioned a moment ago. This is a bill to authorise physician assisted suicide. We in this day and age and in this place ought to call a spade a spade. This would be called the euthanasia bill if we were honest; people would understand that that would be the case. It could appropriately be called the assisted suicide bill; it could also appropriately be titled 'An Act for the Extermination of People who are Hopelessly Ill'. So, I oppose the title of this bill. I indicated in my second reading contribution that I oppose the principle of the bill itself. Not only do I oppose that principle, I also think it is inappropriate to call this the Dignity in Dying Bill.

The Hon. SANDRA KANCK: For the record, I will go through why it is called the Dignity in Dying Bill. On the first occasion when I introduced this I explained the history of the title, and I think it is an absolutely perfect description of what it is about. When I was preparing to go to the world conference of right to die societies in Boston three years ago, I received an email from a UK voluntary euthanasia group talking about what their objectives were. They were asking how people reacted to the wording, and they said that they were aiming to achieve death with dignity. I thought about those words and I thought that dying is a process. For most people, unless you are in a car accident where you are instantly killed, it is not that one moment you are alive and one moment you are dead: it is a process. Hence, I thought dying—

The Hon. T.G. Cameron: You could have an aneurism, a stroke or a heart attack.

The Hon. SANDRA KANCK: I said it was for the majority of people, Mr Cameron, if you had listened to what I said, which often you do not do. Dying is the important part of it: not death, but dying. So, I thought about what these people said: that they were trying to achieve death with dignity, and I thought it ought to be dying with dignity.

First and foremost in this process, when you ask people the reasons they are seeking euthanasia they say they want dignity. It is not a cheap catchcry, as the Hon. Mr Lawson was implying. I have chosen a title that absolutely encapsulates what it is that the people who seek voluntary euthanasia want. They want the opportunity to have dignity in that dying process; whether it occurs over two days, two weeks, two months or two years, they want dignity in that dying process. Dignity in dying is an absolutely appropriate name for this. There is no hiding behind anything, because in the bill we then go on to define voluntary euthanasia, and there are clauses which provide who may request voluntary euthanasia. There is nothing covert in there at all; at all stages this bill is honest about what it is intending. The title reflects what people who want voluntary euthanasia are seeking.

The Hon. IAN GILFILLAN: I have spoken on second reading debates on earlier bills, but I would like to establish for the committee that I oppose the bill. I do not oppose dignity in dying; in fact, I think that should be the desire and aim of not only individuals but also the community at large. I believe we have seriously under-funded and under-resourced the capacity to provide that dignity in dying for people who will have a lingering death, which may be accompanied by incontinence, some form of amnesia and pain. In the current world many resources are available to make these deaths dignified, and I believe that should be our main aim. My concern about the bill or voluntary euthanasia is that it encourages a mindset, which I am very concerned about, in a society where people can be vulnerable to an expectation that either for themselves or for the consideration of others they can choose to terminate their lives.

My feeling and very strong conviction is that, once that is established and recognised in law, it becomes a temptation, then a reality, spreading wider and wider. That is my profound concern about it. It is not based, as quite often this is, on either a religious or non-religious position. That to me is not the major issue. I certainly do respect the inherent value of life. If circumstances are such that a person chooses to end their life, I regret it and I am very sorry that that situation has arisen, but that is a different situation from a society in a detached and objective way saying we will endorse the option of people, either by their own choice or by the subtle persuasions of the community, family and other pressures, to seek to have their lives terminated by assisted intrusion from outside sources. I oppose the bill.

The Hon. T.G. ROBERTS: I too indicate my position. I have indicated my support for previous bills in this council, given the principle that protections exist in the bills that allow for voluntary decisions to be made while people are of sound mind and for assisted voluntary euthanasia with the consent

of friends, relatives and loved ones. I think all members of parliament have a responsibility to look after the living, to take care of the dying and to bury safely and protect the remains of the dead. I think what we do as legislators is opt out of the responsibility for dignity within and before death. Many western communities have the luxury of determining such decisions. In many countries a lot of people do not have the luxury of determining death with dignity; they are killed in far more callous ways, such as as a result of war or pestilence, by starvation, sickness and other unnecessary causes of death—

The Hon. T.G. Cameron: War.

The Hon. T.G. ROBERTS: I mentioned war.

The Hon. Carmel Zollo interjecting:

The Hon. T.G. ROBERTS: That is the point I am making—and the unnecessary deaths as a result of childhood diseases and a whole range of other ways in which people on this planet struggle from birth. In our society, we have the luxury of being able to debate whether we do take that step to make the decision easier for people who are in the last stages of their life and who have an incurable disease, or who are in a state of decay to the point where they make the decision either to turn off a life-support system or not to receive any further treatment. It is something we should consider. We have an obligation to the community to keep the discussion open so that the legislation, if we do choose to bring it in, accurately reflects the view of the majority of people who would like to avail themselves of it.

I do not believe that any member on either side of the argument would like to see the issues raised by the Hon. Mr Cameron occur, whereby it becomes a licence for the medical profession to kill people who do not want to avail themselves of the voluntary euthanasia process, but through neglect or maybe through becoming blase about taking the life of a person in their final stages of an incurable disease this might happen. I think we have an obligation to keep the debate open. I do not think the numbers are in the chamber to pass this bill at this time, but I am sure that a number of similar bills will be brought before us. However, I think that, the more we engage the community and the more often a bill such as this comes before the council, the more publicity the issue will receive.

The Hon. Mr Cameron made the point earlier that he has not received as much correspondence on any other issue. He has a whole range of correspondence. For all members of this council, it is probably one of the issues on which we have had the most discussion and the most correspondence, with the exception perhaps of the legalisation of prostitution. I think that probably equals the amount of correspondence—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Ten to one for euthanasia for the Hon. Mr Cameron. I would argue that we do have a responsibility to engage the living in determining at what point some people may avail themselves of a more humane way of leaving this earth. It can be done in a very dignified way. They can have their spiritual guide with them, their parents or friends. They do not necessarily have to be alone. There are ways in which we can support and assist people who do have incurable diseases and who have made a joint decision with their loved ones or a separate decision by way of letter or notification that they want to end their life if the point of treatment becomes so intrusive that it does not allow them to have any quality of life other than waiting for the inevitable end.

We have that responsibility to keep the discussion and the consultation points open in the community. This bill does that. I would be interested to see what the community's point of view is. I do not think this bill has been put before community for fresh engagement, but time will tell. The media presentation of it might pick up at a later date. However, at this stage, I think the last figure I saw was over 70 per cent of the community were—

The Hon. Sandra Kanck: It is 79 per cent.

The Hon. T.G. ROBERTS: Yes, 79 per cent—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: I do not make any comment on the figures that are supplied in relation to having a citizen initiated referendum on any issue: it is just an indication of the consideration that particularly older people give to the issue. Younger people would not give any consideration to it at all because they see themselves as tougher than steel and living forever. For older people moving into their twilight years it does become a consideration. I think that they should be able to discuss the issue within the spiritual parameters of their mentors and that we should take a position based on the logic of the argument and the feelings of those people who would choose to leave this earth in a more dignified manner. I am not sure whether that will occur. I think most of the arguments and discussions that are held in retirement villages and nursing homes revolve around some of the soaps that may be coming on that evening or items on the news. Until there is wider coverage of the issue the only way we have of testing the water is by bringing bills into this chamber for discussion. With that fear of intimidation, I will finish my comments.

The CHAIRMAN: I draw members' attention to the fact that we are in committee. Accommodation was made for the Hon. Kate Reynolds, who was not present for the second reading debate—the Hon. Mr Sneath being quite charitable in that respect. The Hon. Mr Lawson did confine his remarks to the word 'dignity' in the title of the bill, and I note that the Hon. Terry Cameron and the Hon. Terry Roberts did not speak during the second reading debate. However, I draw members' attention to the fact that we are starting to hear second reading contributions and I ask them to adhere to standing orders.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. A.L. EVANS: I oppose clause 3(a) of this bill, which provides that an object of this legislation is to give competent adults the right to make a choice about dying if they become hopelessly ill. The bill does not do that. First, under the bill a hopelessly ill person could be someone who has a serious mental impairment or who has permanent deprivation of consciousness. I fail to see how a person can be described as a 'competent adult' if they have a serious mental impairment or are unconscious. There is immediately a problem with the paragraph (a).

Secondly, the bill does not define what is meant by a 'competent adult'. There is no explanation as to what that means or who falls within that category. Therefore, clause 3(a) has some major flaws. In fact, the whole bill has many flaws in it. It is wider than any other bill in any other country in the world, and it is a bill that is open to abuse in a huge way. I will go into statistics later and detail the facts about certain countries where bills like this are in place. I repeat that the bill refers to competent adults. A competent

adult is not unconscious and a competent adult does not have a mental impairment, so there is a major contradiction.

The Hon. DIANA LAIDLAW: I would like to address a question to the Hon. Mr Evans. In relation to 3(a), is he referring to notes that he has taken or been given—

The Hon. T.G. Cameron: It is not his bill.

The Hon. DIANA LAIDLAW: —no—or is he referring to what is in the bill? Clause 3(a) in the bill is different from the honourable member's reference to 3(a). Clause 3(a) gives competent adults the right to make informed choices. The honourable member did not use the word 'informed' when making reference to this. Then he went on to say that a competent person is not one who is unconscious or has a serious mental impairment. People in those circumstances would not be able to make an informed choice. I seek clarification from the honourable member.

The Hon. A.L. EVANS: That strengthens my case because these competent adults have to have informed information, but they are either unconscious or they have mental problems.

The Hon. Diana Laidlaw: They have to make an informed choice.

The Hon. A.L. EVANS: They can't. That is a contradiction in the bill.

The Hon. DIANA LAIDLAW: They cannot make an informed choice, so the option would not be available to them. What is wrong with that?

The CHAIRMAN: The Hon. Ms Laidlaw will address her remarks through the chair.

The Hon. DIANA LAIDLAW: Sorry, Mr Chairman. It is not compulsory for everyone to exercise their right to choose options. This is an option that people might choose and, if they choose that option, it is available to competent adults who make an informed choice. If you are unconscious you do not have to make the choice—you can't, anyway. That choice would then be unavailable to them to exercise.

The Hon. T.G. Cameron: There is no definition in this bill as to what an informed choice is.

The Hon. DIANA LAIDLAW: Informed choice is well understood in law.

The Hon. T.G. Cameron: What does it mean then, if it is well understood in law?

The Hon. DIANA LAIDLAW: That you understand what you are doing.

The Hon. R.D. LAWSON: Clause 3(d), amongst the objects set out, provides:

> to ensure that the administration of euthanasia is subject to other appropriate safeguards and supervision;

The question of safeguards and supervision is a very important one. I do not suggest for a moment that it is the most important, but examination of the so-called safeguards and supervision is important, but there is an underlying philosophical point about safeguards and supervision which was addressed most appropriately by the author Morris West in an article that was published in the *Australian* of 1 October 1996 at a time when he was 80 years of age. Sadly, he has subsequently died. Morris West said:

> As a husband and father, I have executed what is popularly called a 'living will', expressing my wish that in the event of a terminal illness no extraordinary steps, medical or surgical, should be taken to prolong my life. My wife and children have read and agreed to the document. My doctors are aware of its existence. There is nothing in the document that solicits or demands the direct termination of my life. I do not believe that I have the right to lay the burden of this decision upon any other person, be they family or medical carers. I can only trust myself to their skill and compassion to make my exit as painless as possible.

He went on to say:

> I have one very firm conviction. The ambiguities and the dilemmas created by terminal illness and terminal suffering will not be eliminated by legal documents. A law, however carefully it is framed, becomes immediately an anomaly. It is at once permissive and inhibiting. It is always—and unavoidably—intrusive. It will always be an abridgment of both liberty and privacy. It calls new presences into places and occasions where otherwise they would have no right to be.
>
> No place should be more private than the deathbed. No place should be more free from judicial surveillance and post-mortem inquisition of whatever relationships are active at that moment. If abuses occur they should be dealt with after inquiry under common law. . . What I do not want to see is the introduction of a new figure, a legalised terminator, opening the exit from life only after all the forms and protocols prescribed by an impersonal state have been fulfilled.

What Morris West was there providing was his description of those appropriate safeguards. They are in fact forms and protocols prescribed by an impersonal state. I do not believe that the so-called safeguards and supervision that have been fashioned in this bill provide appropriate or adequate or effective safeguards.

The Hon. T.G. CAMERON: I would like to follow up on the Hon. Di Laidlaw's contribution and on the statement that was made by the Hon. Andrew Evans. Clause 3(a) states 'to give competent adults'. The definition of 'hopelessly ill' uses the words 'or has resulted in serious mental impairment'. I am no QC, I am no lawyer, but there seems to be a contradiction in those terms. The only way someone who had a serious mental impairment could fall under the definition of a competent adult making an informed choice would be if they had placed an advanced request for voluntary euthanasia. How else could those two clauses sit together?

I respect the Hon. Di Laidlaw's rights on this issue. She happens to have a different opinion to me on it. It does not necessarily make me right or wrong or her right or wrong on this issue. I do not hold my view because of any religious belief. I do not consider myself a practising Christian in any way or form. I still fail to see how there is not some conflict between 3(a) and the way the definition for hopelessly ill has been worded, and I think that the Hon. Andrew Evans had a point when he raised that. The Hon. Di Laidlaw may disagree with his view on this, but it does not make her right and him wrong.

The Hon. DIANA LAIDLAW: I am not interested in who is right or wrong. I am simply pointing out that the Hon. Mr Evans, in defining 3(a), had either deliberately or inadvertently left out the provision in the bill for informed choices to be made. I would alert the Hon. Mr Cameron to the fact that there is an advanced provision—

The Hon. T.G. Cameron: I am aware of that. That is the only way you could do that.

The Hon. DIANA LAIDLAW: Then 3(a) is quite logical in terms of—

The Hon. T.G. Cameron: With respect, you should have made that point in rebuttal to the Hon. Andrew Evans' contribution.

The Hon. DIANA LAIDLAW: You have now provided me with the opportunity and I am pleased that you have. I just point out—

The Hon. T.G. Cameron: I accept your gratitude.

The CHAIRMAN: Both of you should do it through the chair.

The Hon. DIANA LAIDLAW: And perhaps the honourable member should do it graciously.

Members interjecting:

The Hon. DIANA LAIDLAW: No, I am just pointing out that, in the argument put by the Hon. Mr Cameron, there is not a contradiction, because there is a provision in the bill for an advanced declaration.

The Hon. SANDRA KANCK: What is going on at the moment is like what happened earlier this afternoon in the discussion on the health complaints bill: the discussion at this point is pre-empting other clauses. Nevertheless, the Hon. Diana Laidlaw has pointed out the provision for an advanced request. Quite clearly, if you are unconscious, you cannot make a request. The schedules include a witnesses' certificate, which requires the two people who witness the request to sign a statement that the person who made the request appeared to be of sound mind and appeared to understand the nature and implications of the request and that the person who made the request did not appear to be acting under duress.

The medical practitioner's certificate states that the person who made the request appeared to be of sound mind and appeared to understand the nature and implications of the request, and that the person who made the request did not appear to be acting under duress. That is for a current request, and exactly the same provisions apply for an advanced request in terms of what the witnesses are required to state and in terms of the medical practitioner's certificate. Clearly, if you were mentally ill, you would not be able to have either the doctor or the witnesses make those sorts of statement.

The Hon. G.E. GAGO: Further to the issues of serious mental impairment, the definition of 'hopelessly ill' and of adults being competent or not, there are two points: first, the definition of 'hopelessly ill' states 'will result or has resulted in'. There is the potential for it to result in a serious mental impairment and it is not necessary that it exist at the time. Secondly, although some of my clinical knowledge is a bit rusty, I believe you can have a serious mental impairment and still be deemed to be competent by law to make certain decisions. An example would be, for instance, a stroke victim who has suffered damage to part of their brain that may affect their language centre: their mental impairment is that they may not be able to speak but their ability to reason is undiminished. I believe that would be an example of a severe mental impairment where the person would be still competent.

The Hon. A.L. EVANS: No-one is saying that the rest of the bill does not define 'hopelessly ill', but clause 3(a) should be removed, because it says one thing, which is inaccurate compared with the rest of the bill. If you remove that one clause, then the arguments about someone being hopelessly ill would make sense but, while it is there, it does not make sense: it is contradictory.

The Hon. CAROLINE SCHAEFER: Will the Hon. Sandra Kanck confirm whether clause 3(a) refers to an advanced request for euthanasia should the person become hopelessly ill some time in the future? Could I request euthanasia now should I become hopelessly ill at some time in the future?

Members interjecting:

The Hon. CAROLINE SCHAEFER: True, some may argue that it is already too late for me to make that request. But, given that I still consider I am competent, perhaps that is part of my argument. Who decides whether I am hopelessly ill under the definition of this bill and whether it would still be my wish, should I be competent at the time?

The Hon. SANDRA KANCK: If you make a decision with medical power of attorney and tell the person who has medical power of attorney in advance your wishes, even when you become unconscious your medical power of attorney takes those wishes and acts on them. Similarly, you sign an advanced directive and, if you become unconscious, the information in that advanced directive is what follows as your wishes.

The Hon. CAROLINE SCHAEFER: So at the age of 25 years I could make an advanced directive that I never got around to changing: that would still apply to my life and death at 85 years if I became unconscious?

The Hon. SANDRA KANCK: That could be the case, just as it is with your will. If you make a will at 25 years and do not alter it and die at 85 years, that will still applies at age 85 years when you die.

The Hon. G.E. GAGO: People can do the same in terms of withdrawal of treatment. You can make a will at 18 or 21 years to have treatment withdrawn that may affect you when you are 105 years and are comatose. That principle exists and has existed in legislation for some time.

The Hon. CAROLINE SCHAEFER: With respect, I understand that, because I was here when that legislation was enacted and I did not oppose the clause in that bill at the time. One of the basic principles we will continue to argue throughout this bill is that there is considerable difference between choosing to have one's life terminated and choosing to let someone die. That will be a principle that we will continue to argue throughout this bill.

The committee divided on the clause:

AYES (12)

Dawkins, J.S.L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S.M.(teller)
Laidlaw, D.V.	Redford, A.J.
Reynolds, K.	Ridgway, D.W.
Roberts, T. G.	Sneath, R. K.

NOES (8)

Cameron, T.G.,	Evans, A.L.(teller)
Lawson, R.D.	Lucas, R. I.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	Zollo, C.

PAIR(S)

Majority of 4 for the ayes.

Clause thus passed.

Progress reported; committee to sit again.

MULTIPLE CHEMICAL SENSITIVITY

Adjurned debate on motion of Hon. S.M. Kanck:

1. That a select committee be appointed to inquire into and report on multiple chemical sensitivity, with particular regard to—
   (a) which chemicals or chemical compounds are responsible for the majority of symptoms of multiple chemical sensitivity and how exposure to them can be minimised;
   (b) the effect of chemical exposure on human fertility;
   (c) the comparative status in other countries of multiple chemical sensitivity as a diagnosed medical condition;
   (d) best practice guidelines in Australia and overseas for the handling of chemicals to reduce chemical exposure;
   (e) current chemical usage practices by local government and state government departments and changes that could be made to reduce chemical exposure to both workers and the public; and
   (f) the ways in which South Australians with multiple chemical sensitivity might more effectively access sources of support through government agencies.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

To which the Hon. D.W. Ridgway has moved the following amendments:

Leave out 'select committee' in paragraph 1 and insert 'joint committee'.

Leave out paragraphs 2, 3 and 4 and insert:

2. That in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members of whom two shall form a quorum of council members necessary to be present at all sittings of the committee.

3. That this council permits the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.

4. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 5 December. Page 1743.)

The Hon. SANDRA KANCK: I move:

That this order of the day be discharged.

Motion carried.

SUMMARY OFFENCES (TATTOOING AND PIERCING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 2083.)

The Hon. T.G. CAMERON: I rise to speak against the general intent of this bill, which is to protect those under the age of 18 from possible harm which could arise from having part of their body pierced (excluding ear lobes), by having a parent or guardian provide written consent. I question the following premises on which this bill has been drafted: first, that those under the age of 18 are unable to make sensible, informed decisions about piercings; secondly, that having their parents' permission will protect them from harm and less reputable practitioners; and, thirdly, that the introduction of a cooling-off period for tattoos will somehow stop people from making rushed decisions about getting a tattoo.

I will move amendments at a later stage, but I want to address some misconceptions and misinformed ideas about modern body modification processes. In the new millennium, many young people (and, in fact, those over the age of 30) see body piercing and even tattooing as a fashion statement and believe that they are an acceptable and common practice, notwithstanding the fact that many people in society find body piercing (but not so much tattooing) an abhorrent practice.

It is a widely accepted practice, particularly amongst younger people, in many western and some eastern societies. What might not be acceptable here—tattooing, for example—is practised widely in many eastern societies. Belly button piercing is very common, and many teenagers and people in their twenties, thirties and forties are choosing to have this done. Why, I do not know, but we have to respect the fact that people in our society make this choice. Nose, eyebrow, tongue and other piercings are also widely accepted.

Long gone are the days when body piercings were considered to be for punks, bikies or society's deviants. Figures show that 8 per cent of people over the age of 14 have had a body piercing—that is, other than their ear lobes. Industry members of the Australian Professional Piercing Association (APPA) do not pierce people under the age of 16, or 18 for genitalia. This does not apply to all body piercers, however, as only two in South Australia are members of the association. I submit that that is a strong reason for some form of registration process.

This bill refers to two different body modification processes: body piercings and tattoos. Body piercings are not permanent; they can be taken out and do not have any lifelong consequences if, down the track, you decide that it is no longer for you. That is why I will move amendments to restrict the legal age to 16. However, I place on record that, if young people under the age of 16 really want a piercing, they will get one—perhaps from a friend—and could possibly suffer health risks as a consequence. I submit to the council that the industry needs to be regulated.

Tattooing is a different issue and, once you have a tattoo, it is there for life, unless, of course, you undergo laser surgery, which is a costly, painful exercise in itself, and an expense which you have to bear yourself because it is not covered by Medicare. I support tattoos being for those aged over 18. Approximately 10 per cent of people have tattoos, but many people may have regretted tattoos obtained over 20 years ago. Prior to the late seventies, alcohol, peer pressure, sometimes romance, incarceration and the armed forces were all common reasons for having a tattoo.

The more common reason these days, though, is for individual statement, although body art, personal icon, remembrance, relationship bonding and childbirth are also common reasons. Tattoos are a choice for some people and they have long since surpassed being just for bikers and bikie gangs. In fact, it is quite the opposite, as the PTAA writes in a letter to my office rebutting Mr Rau's claims. Its letter states:

> We live normal lives, take part in our communities and do not run off to circus tents at the end of the day to display our mutilated, disfigured anatomies to the shock and horror of the sheltered middle classes.

It is not so easy to get a tattoo and, for the information of members, I will outline the process. When a person walks into a registered Professional Tattoo Association of Australia (PTAA) studio, the steps for acquiring a tattoo are as follows: first, browse the artwork or directly talk to someone regarding their own specific design. Secondly, consult and work on tattoo design, this may take more than one visit, including research by the client as well as the artist/operator. If the studio artist is required to draw something individual for the client, a drawing fee is required which is deducted from the price of the tattoo on completion.

Once the final design is created an appointment is made for the tattoo. At this time a run-down on sterilisation, tattoo and after-care procedures is given. A deposit may be required at this time if the tattoo cannot be done straight away. If a drawing fee has already been forwarded, a further deposit is not required. A linear stencil is made of the design and, when the client comes for the tattoo appointment, that stencil is visually okayed by the client. The stencil is placed on the appropriate part of the body for the client to check placement and for final confirmation. The design is tattooed on the client—first outlined, then shading and colour.

After the client has confirmed their satisfaction of the completed tattoo, a cover is put on the tattoo and after-care instructions are run through and given on a fact sheet to the

client. The balance of the tattoo price is then paid and the client is asked to call back after a four-week period so that the artist/operator can check that the job has successfully healed and that the client is fully satisfied. If a touch-up is required, no charge is associated with this follow-up visit provided that the touch-up is done within three months. As one can see, it is a complex and detailed process and raises some doubts about Mr Rau's comments that people these days get drunk and go off and get a tattoo which they regret when they are sober.

Mr Rau refers to the type of tattoo design an adult might obtain after drinking excessively in a nearby hotel as, 'a skull and crossbones, or something'. According to the Professional Tattoo Association of Australia, this type of tattoo design is very old-fashioned and rarely asked for these days. A skull and crossbones is symbolic of piracy—

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: Well, I have not seen your tattoos. What have you got? According to the Professional Tattoo Association of Australia, this type of tattoo design is very old-fashioned—I think that I have already said that—and rarely asked for these days.

An honourable member interjecting:

The Hon. T.G. CAMERON: No; I have found my place. It is that Hon. Paul Holloway; he keeps interjecting on me. They argue that some clients bring in individually sourced artwork, but there are a lot of in-studio designs to look at, for example, cultural background art, family crests, patriotic symbolism, celtic art, etc. (which could be indicative of the diverse cultures within Australia), also flowers, Japanese and Chinese lettering, tribal body design and fantasy art, such as fairies, wizards, unicorns etc. Many things have moved on since the 1970s, tattooing and body piercing being among them.

The current legislation needs to reflect society and its ever-changing lifestyles. Therefore, giving adults a democratic right to a personal choice in all aspects of their private lives, as long as it is not to the detriment of others, is critical. It would appear that this bill was drafted on the premise that people who get or give tattoos are somehow freakish and should be controlled, and that young people are out of control and that all opportunities to bring them back into line should be taken up. So, what can be done to ensure that people who get tattoos or body piercings are kept safe, healthy and make informed decisions? Registering or licensing professional studios, similar to the New South Wales and Queensland legislation, would seem far more sensible.

Perhaps restricting business hours, that is, not permitting 24-hour studios, could help to eradicate the so-called 4 a.m. Dutch courage, or, 'What the hell' peer pressure tattoos to which Mr Rau refers in the other place. The licensing solution would make it more difficult for new studios to spring up all over suburbia and would be easier and more cost effective to monitor. We are currently considering dealing with shopping hours in this place. Why are these places able to open whenever they want when other businesses must meet strict trading hours and standards?

Sensible legislation needs to be put in place—legislation which reflects current sociological trends and which puts in place strict standards and codes of practice that the body modification industry must meet—rather than letting legislation slip through this place which serves only to take away sensible decision making from young people and does nothing to protect anyone from obtaining serious diseases from dodgy operators out for a quick buck. The Professional Tattoo Association of Australia and the Australian Professional Piercing Association, the Department of Human Services, local councils and the state government need to work together to ensure that any updated legislation is beneficial to the consumer and the artists/operators who run a legitimate business and who offer an artistic service.

I do not believe that this piece of legislation will do that: it will just send a message to young people that they are not to be trusted, even if they are nearly 18 years old. It seems that we have two sets of standards for young people at politicians' whims: they are able to drive, join the armed forces, and so on, at this age, but if this bill passes they will not be able to get a body piercing. Perhaps they will have even less respect for their politicians—even less than they have now. I look forward to the committee debate.

The Hon. R.D. LAWSON: I indicate support for the second reading of this bill on behalf of the members of the Liberal opposition. The evidence provided by the mover of this bill in another place in support of it was fairly scant, to say the least. There is no doubt that this is a popular measure, especially amongst older people and those who do not have a tattoo and who would never consider having a tattoo let alone undergoing piercing of any body part. We in the Liberal Party believe in minimum interference with the right of adult citizens to do what they will with their bodies, and this principle applies to adults.

We accept that when dealing with minors special provisions are often justified on the ground of preventing the exploitation of vulnerable or inexperienced people. We accept that legislation to protect the wider community from dangers to health and to prevent the spread of disease are also appropriate. There is, of course, a public interest in the avoidance of injury and disease because, ultimately, the public has to pay the health costs of many of those who might be affected by any dangerous practices. Notwithstanding the absence of much evidence provided by the mover of this bill in another place, material has been supplied by those in the industry, and also from the Youth Affairs Council, and I think it is appropriate that the views of those be placed on the record.

The Youth Affairs Council forwarded a circular to all members of parliament, and I will quote extracts from that circular, which is dated 23 August last year, as follows:

> The Youth Affairs Council has a number of concerns in relation to this bill, the purpose of which we understand is to protect children and young people under the age of 18 years from possible harm that could arise having a part of the body (excluding the ear lobes) pierced. . . Council is aware that the Hon. Dr Bob Such introduced a similar, less stringent bill for parliament's consideration last year. . .

I interpose by acknowledging the interest of that honourable member in this topic and his persistence with it. YACSA continues:

> At that time, YACSA's concerns related to the efficacy of the bill in protecting children and young people (and others) from harm. Council again reiterates these points in relation to the new bill.
>
> · The risk of sustaining complications from a body piercing is not related to age or the level of supervision by parent or guardian;
>
> · All potential body piercing clients are better served by universally applicable guidelines which are enforceable, rather than by the presence of a parent or guardian for a narrow age group;
>
> · The concerns expressed by young people and parents (who have contacted YACSA regarding this matter) relate to the safety of body piercing procedures and the opportunity to make informed decisions about body piercing, a concern that far outweighs the issue of parental consent.

YACSA notes further in the submission:

> . . . in Victoria and the Australian Capital Territory. . . the premises of body modification practitioners are required to be formally registered, and in some other states and territories minimum industry standards are enforced by a code of practice, not commonly informed by guidelines issued by the Australian Standards and National Health and Medical Research Council. Moreover, the industry's national representative body, the Professional Tattooing Association of Australia, has previously collaborated in the establishment of such state-based industry codes of practice.

It continues by stating that recent research shows that 10 per cent of Australians aged 14 and over have been tattooed and 8 per cent have undergone body piercing (excluding ear piercing). Accordingly, it says that it is clear that formalised regulation of the body modification industry in this instance would go a long way towards minimising health risks and raising the standards of those less stringent practitioners. It continues:

> YACSA is concerned that this bill provides a platform for parliamentarians to promote an increase in surveillance over young people's lives under the assumption that some children and young people are 'out of control' and all opportunities to bring them into line ought to be taken up. It is often overlooked that the vast majority of parents and guardians have good relationships with their adolescent children and are able to talk through issues such as these. The case for legislation of this kind has not been made. We believe that the central issue of concern to the parliament is the accountability by piercing and tattooing practitioners to all clients to provide services which minimise the risk of complications which may arise from a piercing or tattoo.

It expresses opposition to the bill and suggests four amendments: first, that all clauses related to the age of a person seeking body piercing should be removed; and, secondly, that the bill establish a set of guidelines to be observed by body piercing practitioners. It recommends that the information recently published by the Australian Medical Association in a pamphlet *Ask some piercing questions* be included in the guidelines, as follows:

> The piercer must use an autoclave to ensure appropriate sterilisation of equipment. All needles should come in their own packaging and should only be opened in the presence of the customer. The studio should be clean and hygienic.

It goes on to suggest that breaches of the guidelines should attract a fine of up to $1 000 and that all clauses in the bill referring to the presence of a parent or guardian at a body piercing be removed.

The views of the Youth Affairs Council are worthy of consideration and were considered by members of my party room. We certainly agreed with some of the more general sentiments expressed by YACSA, although not all of them. We certainly do not support the removal of the requirement for parental consent to the piercing of a minor. We believe that the piercing of genitals raises particular issues and that the piercing of genitals of persons under the age of 18 years should be banned, irrespective of parental consent. If individuals want to have their genitals pierced that is fine by us, but they should not do it until they are of full legal capacity.

We do not support the registration of tattooists or piercers. We believe that to impose a further element of bureaucracy to require licences to be issued is overly bureaucratic. However, we strongly support the imposition of a code of practice, which should be approved by the Minister for Health, and that any breach of that code of practice should lead to the capacity of a board or the court to prohibit that person from further participating in the industry. In other words, we favour a form of negative licensing for tattooists and piercers.

Like the Hon. Terry Cameron, I should acknowledge the fact that the Professional Tattooing Association of Australia Incorporated has taken a keen interest in this bill once it became aware of it. The general complaint of that organisation and of the industry was that they had not been given prior notice of the member for Enfield's proposals. I must say that I spoke on a number of occasions with Mr Dean Smith, who runs the Body Art shop in West Hindmarsh and found him to be a most responsible and concerned individual, running a legitimate small business in our community. I think it is worth quoting Mr Smiths' view on behalf of the association. In a letter that he forwarded to me and others, he said:

> The. . . member for Enfield, Mr Rau, who has proposed the bill, states in *Hansard* of. . . 10 July 2002. . . [that] this bill is not meant to stop people from being tattooed but to stop the impulse tattoo while people have been drinking and directly implies Hindley Street. There are 23 registered studios in South Australia with only two in Hindley Street. The majority of studios will not tattoo people who are intoxicated and most studios close around 8 p.m. The studios on Hindley Street operate 24 hours on weekends so it isn't hard to see when these problems may occur.
>
> The more restrictions placed on our industry the bigger the possibility of it going underground and more backyard operators springing up. PTAA Inc. has for years been working in conjunction with various health departments in each state improving practices and educating the industry in sterilisation and cross infection control. This has been pointed out to many politicians during our lobbying against this part of the bill but has fallen on deaf ears. No one seems concerned of the dangers of unclean and unprofessional practices. Before this amendment was voted on through the lower house a brief was prepared for the health minister by the Department of Human Services but was not asked for—

presumably, by the minister—

> Unfortunately many people still believe the old school of thought re tattooed people and artists and believe only criminals, drug addicts and undesirables wish to be tattooed and that all studios are owned and operated by bike clubs. In reality this is far from the truth, the majority of studios are privately owned by responsible members of the community who have children and are dedicated professionals and true artists working on one of the most difficult canvases possible.
>
> Section 21C(2) says if a customer wishes to substitute the design or part of the body to be tattooed specified in an agreement under subsection (1) a new agreement must be signed with another three day cooling-off [period]. At times I personally am booked a couple of months in advance and have many customers from country areas, some of whom are having large ongoing work i.e. complete back work, full legs or sleeves. In the past year I have been working on a chap from Naracoorte who books me once every six weeks for a full day for his back job, after a few visits he decided not to have his back tattooed on this occasion but to have one on his leg that his son has designed several months prior, under this act it is illegal for me to do as the customer (a consenting adult) wants. There is also many times middle-aged women wish to be tattooed and bring their own design they have wanted for years, but their husbands would not let them, now they are divorced or it is their 40th or 50th birthday or maybe an anniversary and they want it here and now but it will be illegal for us to comply. There are many reasons why people want tattoos done on the spot, eg, they are interstate or overseas visitors, it's their rostered day off, it's an anniversary or birthday etc. As you can see this whole section has problems for us and we do not wish to become criminals because we are simply going about our business and trying to put food on the table.
>
> Mr Rau himself told me he proposed the bill as some of his friends in their 40s regret tattoos they got in their teens, a three day cooling-off [period] won't change that, some people will regret tattoos (mainly unprofessional ones) it will only make a difference to the people influenced by alcohol or drugs.

Mr Smith concludes his letter by saying:

> Public opinion is slowly changing towards tattooing with many high profile, respectable people now being tattooed such as police officers, doctors, lawyers, sports professionals etc. As the old saying

goes 'The only difference between tattooed people and non-tattooed people is that tattooed people don't mind if you're not tattooed'.

I regret that the document was somewhat long, but I do think it is appropriate to put on the record the views of other people who are affected by this measure. Another tattoo operator from the tattoo gallery in Rundle Street posed a number of questions which really ought to be answered by the proponents of this measure. They are:

1. What statistical information is available to support the bill?
2. Is anyone aware of the health risks with regards to disease transmission if a three day cooling-off period is legislated?
3. Has the 'brief' from the Department of Human Services (initially prepared for the Minister for Health in the lower house) on the health risks. . . been requested?—

because certainly it has not been mentioned, I interpose—

4. How will the Department of Human Services be able to validate consumer complaints from backyard operators?
5. How will the Department of Human Services control disease transmission from backyard operators?
6. What are the comments of members of the Legislative Council on young people (aged between 16-18 who often are supporting themselves, some with family responsibilities) having to obtain parental consent to have a body piercing (non-genital)?
7. How will rural people, who often have to travel hours to their nearest town/city, and who don't have faxes/internet, be able to take part in a three day cooling off contractual arrangement?

I interpose that too often bills that we in this place pass overlook the difficulties that some people living in the outer parts of this state have in complying. The questions continue:

8. How does the proposer of the bill expect to control studio/backyarder that does not abide by the above bill, for example, backdating paperwork with regards to the three day cooling-off period?
9. Why has the proposer of the bill not included the state registration of all professional tattoo studios in conjunction with other state legislation. . . ?
10. Why has the proposer. . . not included regulation of trading hours instead of a 'cooling-off period'? This would cease any person being able to obtain a tattoo in the 'small hours' after a party/pub/club event.

All legitimate questions which ought be answered when the council considers the committee stage of this bill.

As I say, the Liberal Party supports the principle of it. We do not support the suggestion that tattooists be registered. We do support the idea—not included in this bill—of a code of practice to address the health issues which are really the most significant issues about the whole matter and which are not addressed at all. We also support a ban on the piercing of genitals of persons under the age of 18 years, otherwise there should be a requirement for parental consent notwithstanding the reservations of YACSA. Also, notwithstanding the reservations of the industry, we do support the requirement that a tattooist must provide a cooling-off period. We realise that this does pose difficulties for some people, but we believe legitimate operators will be able to ensure that the cooling-off period does not operate ultimately to the detriment of their clients.

The Hon. CARMEL ZOLLO: I thank members for their contributions in relation to this private member's bill of the member for Enfield in the other place. In particular, I thank the Hon. Andrew Evans for his support on the same day the bill was read a second time in this chamber. He strongly supports the sentiments of the legislation that parents should be involved in deciding whether their children have their bodies pierced. He also supports the premise that the bill will assist people, in particular young people, who feel pressured into having a tattoo; as well as pointing out that it will be of benefit to any adult who makes a hasty decision for a number of reasons and then regrets it. Given the permanent nature of tattoos, such regret is long lived.

The Hon. Robert Lawson did say in his second reading contribution that there were scant reasons given for this legislation by the member for Enfield in the other place, but I think I should point out that, whilst we as Legislative Councillors do get our fair share of constituency work, it is members in the other place who are often at the coalface in their electorate offices having to deal with desperate and sometimes very unhappy parents in bringing issues to their attention. Also it is fair to say that from time to time in our community, fads come and go for fashion reasons and it is now more popular to see body piercing and tattoos. Neither body piercing nor tattooing, as has been pointed out by the Hon. Terry Cameron, is unusual in many cultures, and indeed they are seen as a sign of beauty and greatly appreciated.

It is not the intention of this legislation to prevent either practice for adults who definitely know their own minds. I am pleased to hear that the opposition will be supporting the cooling-off period. I think that might be a good way of expressing it—'if they know their own minds'. The bill is designed to protect children from possible injury or infection and to give adults pause before they have a permanent tattoo. The bill will regulate body piercing, other than ear lobes, by requiring the consent of parents or guardians where minors are involved, and, as I have said, it is designed to give that three-day cooling-off period before any person can have a tattoo. It gives them time to reflect upon the decision they have made.

I am aware that all members have received correspondence from the Professional Tattoo Association of Australia arguing against the bill in its present form. The comments and arguments put forward range from infringement of privacy to ignorance of their art and profession, and to stigma and judgment of those who choose to have their body pierced or be tattooed. Again I have to say on behalf of the member for Enfield, it is not the intention of this legislation to prevent either practice: body piercing and tattooing have gained in popularity over the last few years. It is not meant to be judgmental: it is meant to be protective legislation for minors and provide assistance to adults in relation to tattooing.

Getting a tattoo is something that most people would think carefully about. It is not exactly like getting a hair colour that you can cut off or wait until it grows out. There is recognition that there is a lack of legislative clarity about body piercing as well as limited guidance for the community about the seriousness of making a decision to engage in body piercing. The increased popularity of piercing has seen an industry that was once allied to tattoo parlours become located predominantly within hairdressing and beauty salons. This change has, in part, led to greater public acceptance of the industry and contributed to the increase in public access of the services.

Body piercing is popular with young people in all sections of the community. In recent years, multiple piercings have become more common in multiple areas of the body, including ear cartilage, nose, eyebrow, tongue, navel, nipple and genitalia.

The Hon. T.G. Roberts: Drunken seamen no longer have a monopoly.

The Hon. CARMEL ZOLLO: No, not with 'I love mum'! Many young people see piercing as an essential fashion accessory and a statement about their personality, and it is for this reason that this legislation has been introduced by the member for Enfield. The bill does not include the

piercing of earlobes as part of its scope and it makes specific provision for that exclusion.

The bill is designed to protect children from possible injury or infection and to give adults pause before they have a permanent tattoo. The member for Enfield in the other place introduced this legislation to achieve some quick redress of what he sees as a problem in our community, and I note that his efforts were facilitated by members in the other place. The bill was dealt with quickly and sent to this house.

The Hon. Terry Cameron has flagged some amendments. It is my personal view in relation to some of his amendments, in particular, registration and code of conduct, that perhaps at a later stage the minister responsible may introduce government legislation addressing the structure of the industry. Many other issues were also raised by the Hon. Robert Lawson. As I said, the Hon. Terry Cameron's amendments concern the structure of the industry and the establishment of bureaucracy and they have resource implications for several government departments, whether it be human services or consumer affairs. I make those comments on a personal level because I have not consulted the minister. I thank all members for their contribution.

Bill read a second time.

GENE TECHNOLOGY (TEMPORARY PROHIBITION) BILL

Adjourned debate on second reading.

(Continued from 13 May. Page 2286.)

The Hon. CAROLINE SCHAEFER: I will be very brief tonight, since I made a comprehensive speech on this bill when it was introduced into this place at an earlier time, and neither my view nor that of my party has changed in the meantime. At that time I pointed out that this bill is not just about dealing with canola, which is the emotive crop which is being discussed particularly in the press, but about all experimentation with genetically modified plants and the prevention of all open field trials for the next five years. That would involve genetic field trials, not just as I have said in canola but also in grapes, potatoes, carnations and so on.

This state is very proud to have its $35 million national Centre for Plant Functional Genomics at the Waite campus. Many of us were invited to a celebration for that centre very recently. It is estimated that the work of that centre could be severely hampered by the introduction of this bill and—

The Hon. Ian Gilfillan interjecting:

The Hon. CAROLINE SCHAEFER: Not at the centre, but all plants need eventually to be trialled in an open environment, so, given the logical progression of the work of the centre for plant research, it would be severely hampered by this particular bill. As I have said, it would affect canola and a number of plants that have considerably heavier pollens than canola. In addition, this parliament has a select committee to address this bill and, as I understand it, it is identical to the bill introduced in another place by minister McEwen. It seems pointless in the view of the opposition to deny such experimentation or to bring down a decision in advance of the findings of that select committee.

The minister has reiterated a number of times in this place that he has requested that the commercial companies involved with the release of GM canola not release that crop in this state for at least another 12 months. There is no indication that they will not honour that request. Such a request has been made in Victoria, although in stronger terms legally, and considerably after the time that minister Holloway requested that delay. It would seem to me that a 12-month delay is considerably more realistic and practical, considering the advances of science in the meantime, than a five-year moratorium. In short, neither my views nor those of my party have changed since we debated this fully and completely late last year.

The Hon. R.K. SNEATH secured the adjournment of the debate.

GAMING MACHINES (EXTENSION OF FREEZE ON GAMING MACHINES) AMENDMENT BILL

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

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): 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 *Gaming Machines Act 1992* provides for the licensing and regulation of gaming machines in hotels and clubs in South Australia.

Section 14A of that Act provides that, except in limited specified circumstances, the Liquor and Gambling Commissioner is prevented from—

- granting new licences; or
- approving increases in the number of machines to be operated under a gaming machine licence,

if the application was made on or after 7 December 2000.

The freeze on gaming machines was last extended in May 2001 pursuant to the *Statutes Amendment (Gambling Regulation) Act 2001* and is currently set to expire on 31 May 2003. The gaming machine freeze was extended at that time principally to allow the reconstituted Independent Gambling Authority to consider the impact of the freeze and whether it should continue.

On 20 June 2002, the Independent Gambling Authority was provided with terms of reference for an inquiry into the management of gaming machine numbers in South Australia. The terms of reference principally required that—

The Authority must identify, within the context of its statutory functions, ….. all reasonably practicable options for the management of gaming machine numbers after 31 March 2003, with particular attention to strategies to minimise gambling related harm.

The Authority has commenced the inquiry, including the initial rounds of public consultation and commissioning of some independent research.

Recently, the Authority wrote to the Government requesting an extension of time to undertake its inquiry. An extension would enable the Authority to complete the inquiry in a way that allows full consideration of the merits of the issues and alternative options.

It is considered important that the widest possible canvassing of community perceptions and attitudes is undertaken and that stakeholders and others who wish to participate are given a full opportunity to make submissions and to respond to issues raised. A thorough report from the Authority is an important part of future debate and actions on this issue.

The Independent Gambling Authority is now expected to report in September this year.

This Bill proposes to amend the sunset clause and extend the freeze on gaming machines for a further 12 months—to 31 May 2004. That will enable sufficient time for the Authority to complete its inquiry and, subsequently, for Parliament to consider its position prior to the end of the freeze.

I indicate that this Bill will be a conscience vote for members of the government.

I commend the bill to the house.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal. This measure will become law when it is given assent by the Governor.

Part 2—Amendment of Gaming Machines Act 1992

Clause 3: Amendment of section 14A—Freeze on gaming machines

Section 14A is due to expire on 31 May 2003. The proposed amendment will mean that section 14A will not expire until 31 May 2004.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The House of Assembly agreed to amendments Nos 2, 5 to 14, 16, 18 to 26, 28 to 32 and 34 without any amendment; and disagreed to amendments Nos 1, 3, 4, 15, 17, 27, 33 and 35 as indicated in the following schedule in lieu thereof:

No. 1 Page 3—After line 9 insert new clause as follows:

Minister to report on operation of Act

3A. The Minister must, within 12 sitting days after the second anniversary of the commencement of section 1, cause a report on the operation of the amendments contained in this Act to be laid before both Houses of Parliament.

No. 3 Page 5, line 21 (clause 12)—Leave out paragraph *(a)*.

No. 4 Page 5, line 25 (clause 12)—Leave out paragraph *(d)* and insert:

(d) by striking out paragraph *(a)* of subsection (2) and substituting the following paragraph:

(a) in the case of an applicant who is under the age of 19 years—

(i) until he or she turns 19; or

(ii) until 2 years have elapsed,

whichever occurs later;;

No. 15 Page 8—After line 22 insert new clause as follows:

Amendment of s. 96—Duty to produce licence

15A. Section 96 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

(1) The driver of a motor vehicle, if requested by a member of the police force to produce his or her licence—

(a) must produce the licence forthwith to the member of the police force who made the request; or

(b) must—

(i) provide the member of the police force who made the request with a specimen of his or her signature; and

(ii) within 7 days after the making of the request, produce the licence at a police station conveniently located for the driver, specified by the member of the police force at the time of making the request.

Maximum penalty: $250.

(1a) The Commissioner of Police must ensure that a specimen signature provided to a member of the police force under this section is destroyed when the signature is no longer reasonably required for the purpose of investigating whether an offence has been committed under this Act.

No. 17 Page 10—After line 20 insert new clauses as follow:

Amendment of s. 45—Negligent or careless driving

20A. Section 45 of the principal Act is amended—

(a) by inserting "negligently or" after "vehicle";

(b) by inserting at the foot of the section the following penalty provision:

Penalty: If the driving causes the death of another—

(a) for a first offence—$5 000 or imprisonment for 1 year; and

(b) for a subsequent offence—$7 500 or imprisonment for 18 months.

If the driving causes grievous bodily harm to another—

(a) for a first offence—$2 500 or imprisonment for 6 months; and

(b) for a subsequent offence—$5 000 or imprisonment for 1 year.

If the driving does not cause the death of another or grievous bodily harm to another—$1 250.;

(c) by inserting after its present contents, as amended (now to be designated as subsection (1)) the following subsections:

(2) In considering whether an offence has been committed under this section, the court must have regard to—

(a) the nature, condition and use of the road on which the offence is alleged to have been committed; and

(b) the amount of traffic on the road at the time of the offence; and

(c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and

(d) all other relevant circumstances, whether of the same nature as those mentioned or not.

(3) In determining whether an offence is a first or subsequent offence for the purposes of this section, only the following offences will be taken into account:

(a) a previous offence against subsection (1) which resulted in the death of another or grievous bodily harm to another and for which the defendant has been convicted that was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed;

(b) a previous offence against section 46 of this Act or section 19A of the *Criminal Law Consolidation Act 1935* for which the defendant has been convicted that was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

Insertion of s. 45A

20B. The following section is inserted after section 45 of the principal Act:

Exceeding speed limit by 45 kilometres per hour or more

45A. (1) A person who drives a vehicle at a speed that exceeds, by 45 kilometres per hour or more, the applicable speed limit is guilty of an offence.

Penalty: A fine of not less than $300 and not more than $600.

(2) Where a court convicts a person of an offence against subsection (1), the following provisions apply:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 3 months, as the court thinks fit;

(b) the disqualification prescribed by paragraph *(a)* cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;

(c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

Amendment of s. 46—Reckless and dangerous driving

20C. Section 46 of the principal Act is amended by inserting after paragraph *(b)* of subsection (3) the following paragraph:

(c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

No. 27 Page 13 (clause 25)—Leave out line 20 and insert new paragraph as follows:

(ab) by inserting after subsection (2e) the following subsection:

No. 33 Page 16 (clause 32)—After line 35 insert new subsection as follows:

(9b) Where a photographic detection device is operated for the purpose of obtaining evidence of the commission of speeding offences by drivers of vehicles proceeding in a particular direction on a portion of road, a person responsible for the setting up or operation of the device must ensure that the device is not concealed from the view of such drivers.

No. 35 Page 17—After line 7 insert new clause as follows:

Insertion of Division 7A

32B. The following Division is inserted after Division 7 of Part 3 of the principal Act:

Division 7A—Speed Cameras Advisory Committee

Interpretation

79D. In this Division—

"Committee" means the Speed Cameras Advisory Committee;

"Minister" means the Minister responsible for the administration of the *Police Act 1998;*

"Motor Accident Commission" means the Motor Accident Commission continued in existence by the *Motor Accident Commission Act 1992;*

"speed camera" means a photographic detection device used for the purpose of obtaining evidence of speeding offences;

"speeding offence" has the same meaning as in section 79B.

Establishment of Committee

79E. The *Speed Cameras Advisory Committee* is established.

Membership of Committee

79F. The Committee consists of 6 members appointed by the Minister, of whom—

(a) 1 must be a person nominated by the Minister; and

(b) 1 must be a person nominated by the Commissioner of Police; and

(c) 1 must be a person nominated by the Motor Accident Commission; and

(d) 1 must be a person nominated by the Director of the Road Accident Research Unit of the University of Adelaide; and

(e) 1 must be a person nominated by the Royal Automobile Association of South Australia Incorporated; and

(f) 1 must be a person nominated by the Local Government Association of South Australia.

Terms and conditions of appointment

79G. (1) A member of the Committee will be appointed for a term of 3 years on such conditions as the Minister determines and will, on the expiration of a term of office, be eligible for reappointment.

(2) The Minister may remove a member of the Committee from office—

(a) for breach of, or non-compliance with, a condition of appointment; or

(b) for misconduct; or

(c) for failure or incapacity to carry out official duties satisfactorily.

(3) The office of a member of the Committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Minister; or

(d) is removed from office under subsection (2).

Functions of Committee

79H. (1) The Committee has the following functions:

(a) to inquire into—

(i) the effectiveness of speed cameras as a deterrent to speeding and road injury; and

(ii) strategies for deciding the placement of speed cameras; and

(iii) differences in the use of speed cameras between city and country roads; and

(iv) the relationship between fines collected for speeding offences, main arterial roads and crash blackspots; and

(v) the feasibility of putting all money recovered as expiation fees and fines for speeding offences detected by speed cameras into road safety initiatives; and

(vi) initiatives taken by the governments of other jurisdictions in Australia in relation to road safety; and

(vii) such other matters relating to the use of speed cameras as the Committee thinks relevant;

(b) to carry out such functions as are assigned to the Committee by the Minister.

(2) The safety of road users must be treated by the Committee as of paramount importance in the exercise of its functions.

The Committee's procedures

79I. (1) The Committee must hold at least one meeting in every 3 months.

(2) Subject to the regulations, the Committee may determine its own procedures.

Annual report

79J. (1) The Committee must, before 30 September in each year, prepare and submit to the Minister a report on the work of the Committee during the preceding financial year.

(2) The Minister must, within 12 sitting days after receiving a report under this section, cause copies of the report to be laid before both Houses of Parliament.

Expiry of this Division

79K. This Division expires on the third anniversary of its commencement unless, before that anniversary, both Houses of Parliament pass a resolution declaring that this Division will continue in operation after that anniversary.

(2f) A member of the police force may not, while driving or riding in or on a vehicle not marked as a police vehicle, direct the driver of a motor vehicle to stop the vehicle for the purpose of making a requirement under this section that the driver submit to an alcotest or a breath analysis.;

CRIMINAL LAW (SENTENCING)(SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

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

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia currently has on the statute book a provision dealing with habitual offenders. The provision in full is in the *Criminal Law (Sentencing) Act*, and states:

Habitual criminals

22. (1) This section applies in relation to offences of the following classes, whether committed before or after the commencement of this Act:

Class 1: Sections 21 to 25—Wounding

Class 2: Section 27—Poisoning

Class 3: Sections 48, 49, 56, 59, 69 and 72—Sexual Offences

Class 4: Sections 81 and 82—Abortion

Class 5: Sections 155 to 158—Robbery

Sections 159, 160, 161, 162, 164 and 165—Extortion

Sections 167 to 171—Burglary

Sections 131, 132 and 173—Larceny

Sections 176 to 178 and 182 to 192—Embezzlement, etc.

Sections 195, 196, 197 and 199—False pretences, receiving

Class 6: Section 85(1)—Arson

Class 7: Part 6—Forgery

(Classes 1 to 7 refer to offences under the *Criminal Law Consolidation Act 1935*)

Class 8: Part IV of the *Crimes Act 1914* of the Commonwealth—Coinage.

(2) Where—

(a) a defendant is convicted of an offence that falls within Class 1, 2, 3 or 4 and has had two or more previous convictions of an offence of the same class; or

(b) a defendant is convicted of an offence that falls within Class 5, 6, 7 or 8 and has had three or more previous convictions of an offence of the same class,

the Supreme Court may, on application by the Director of Public Prosecutions, in addition to any other sentence imposed in respect of the offence by the court by which the defendant was convicted, declare that the defendant is an habitual criminal and direct that he or she be detained in custody until further order.

(3) A previous conviction for an offence committed outside South Australia will be regarded as a previous conviction for the purposes of subsection (2) if it is substantially similar to an offence of the relevant class of offences.

(4) The detention of a person under this section will commence on the expiration of all terms of imprisonment that the person is liable to serve.

> (5) Subject to subsection (6), a person detained under this section will be detained in such prison as the Minister for Correctional Services from time to time directs.
>
> (6) Subject to the *Correctional Services Act 1982*, that Act applies to a person detained under this section as if the person were serving a sentence of imprisonment.
>
> (7) Subject to this Act, a person will not be released from detention under this section until the Supreme Court, on application by the Director of Public Prosecutions or the person, discharges the order for detention.

It can be seen at once that this is an antiquated provision. The emphasis on abortion offences betrays its age at once. So too when one contemplates what is not there. There is no mention of drug offences, for example. In fact, this provision was enacted in its current form in 1988 when the *Criminal Law (Sentencing) Act* 1988 was first enacted. It was taken straight from the then ss 319-323 of the *Criminal Law Consolidation Act*, and that provision can be traced, very much without change, to specific legislation, No 927. of 1907, which was in turn a copy of a NSW Act of 1905. It may well be even older.

It seems clear that the provisions have not been used for some considerable time. The last South Australian case reported on habitual offenders was the High Court decision in *White* (1968) 122 CLR 467, which was about a declaration made in the mid 1960s. The South Australia Act was received in the Northern Territory at separation, and in *Singh* (1982), the Federal Court, acting as the Northern Territory Court of Appeal, noted that no such declaration had been made for at least 10 years. In short, it seems that the provision has fallen into desuetude.

There are at least two obvious reasons for this. The first is that the measure of three convictions (which may be all at the same time) is, of itself, and *without any other criterion*, a crude measure of incorrigibility. Some other criteria are needed to sharpen the focus of the measure. The second is that the result of the declaration is indeterminate detention—a result that courts have been astute to avoid for many years now in this and in other contexts. That does not mean that other jurisdictions do not have indefinite sentencing regimes for very serious offences. They do. For example, Western Australia has a regime which gives a sentencing court the discretion to sentence an offender to an indefinite term of imprisonment on top of the usual finite term if the court is satisfied, on the balance of probabilities, that when the offender would otherwise be released from custody, he or she would be a danger to society or part of it because of the risk of committing further indictable offences.

This provision was considered by the High Court in *Chester* (1988) 36 A Crim R 382. The courts have consistently said that the provision should only be used sparingly and in the clearest of cases. That is because of the consequences for the offender and that the court is being asked to do the impossible—it is being asked not only to predict dangerousness (which all concede is not really possible), but is being asked to do it at some future time, usually because the offence will be a very serious one requiring a long finite sentence in the first place.

Professor Ian Campbell has summarised the current views on the prediction of dangerousness this:

> "It is unnecessary to review the well-thumbed pages of the literature on the fallibility of predictions of dangerousness. The false positives and false negatives in predictions of dangerousness continue to be observed, despite some high positive rates well above chance for some particular offender groups. It suffices to note that the ineradicability of false positives has signalled, for some, the need to abolish or at least limit to the greatest possible extent any form of preventive sentencing based upon fallible psychiatric judgments".

It can be argued, then, with some strength that any provision based on predictions of dangerousness is unsound, both on practical and theoretical grounds.

The policy question is whether the State can and should be in the business of preventive detention. General *judicial* policy on the question can be neatly summarised by quoting from the decision of the High Court in *Chester* (1988) 36 A Crim R 382 at 387:

> ". . . it is now firmly established that our common law does not sanction preventive detention. The fundamental principle of proportionality does not permit the increase of a sentence of imprisonment beyond what is proportional to the crime merely for the purpose of extending the protection of society from the recidivism of the offender:….In the light of this background of settled fundamental legal principle, the power to direct or sentence to [preventive] detention … should be confined to very exceptional cases where the exercise of the power is demonstrably necessary to protect society from physical harm".

In *Kable* (1996) 70 ALJR 814, the High Court struck down as unconstitutional a NSW preventive detention statute. Kable was in prison on a determinate sentence for the manslaughter of his wife. At the time of his release, he was sending threatening letters from the prison. There was public uproar at the notion of his imminent release in the midst of a pre-election campaign. The NSW government of the day passed as Act of Parliament which said, in just about so many words, that Kable should be detained indefinitely on application to a judge every six months. The High Court strained every nerve to hold the Act invalid. It did so, essentially because, said the Court, the law conferred upon judges functions that were incompatible with the judicial function defined by Chapter III of the *Constitution*. The reasoning involved does not bear close scrutiny. The real and unstated reason must have been the extreme nature of the legislation involved. However, the decision does point to the need to observe limits in enacting any legislation that has an element of preventive detention about it. So long as any preventive detention scheme is rational and preserves a proper judicial process, it should survive High Court scrutiny.

Despite all of the misgivings in the literature and by the courts, all States and Territories have one or more legislative schemes designed to deal with the particularly heinous or 'dangerous' offender, but some are better designed than others. NSW and SA retain the old habitual criminals model. This model is not rational. The current South Australian legislation is reasonably restrictive in some ways but irrationally wide in others. For example, three convictions for unlawful wounding put an offender within the scheme, which one might think to be a reasonable thing, but equally, four convictions of shoplifting will also do. For a variety of reasons, the scheme is simply unused.

There are policy principles which, although vague, can help us with habitual criminals. They are:

- Any alternative proposal should not be about 'preventive detention' and 'predictions of dangerousness'. These are imprecise subjective phrases with unfortunate connotations. Something far more objective and tangible is needed. The best phrase and policy setting is 'the protection of society'. Sentencing judges are well used to that as a factor in sentence as can be seen in the quotation from *Chester* above.
- The protection of society from serious offenders is something that concerns everyone. Legislation should be pursued that will give primacy to the protection of society from serious offenders but will not cast the net so wide as to destroy the credibility of the scheme with the judges and the public.
- The current South Australian legislation fails that test. It is too broad and its consequences are too drastic. That is why it is not used. That failure makes a hole in our sentencing system.
- Any alternative scheme should be designed as to appeal to the public and the Parliament as a rational response to the small number of offenders who pose a risk to the public while doing little violence to the principles of justice and fairness that underlie our sentencing system.
- Any such scheme should be capable of being clearly explained to and understood by the public and the Parliament.
- Any such scheme should be based on a discretion conferred upon the judiciary and should avoid mandatory sentencing.

Acting on these principles means that the current habitual criminals scheme in the *Criminal Law (Sentencing) Act* 1988 should be repealed and replaced. The elements of the scheme that is proposed to replace it is:

- A sentencing court is given the authority to make a declaration that an offender is a *serious repeat offender*. The reason for the declaration is that it is appropriate to do so for the protection of the public. It should be noted that the authority is discretionary—the court is not compelled to invoke it only because the threshold is reached.
- The effects of the declaration are that (a) the court is empowered to impose a sentence for the protection of the public that is more than proportional to the seriousness of the offence actually the subject of sentence and (b) any non-parole period fixed for the sentence must be at least 80% of the length of the sentence. The effect of the second of these is obvious. The effect of the first is less obvious. A general principle of sentencing law is that the

sentencing court must impose a proportionate sentence. The principle of proportionality says that a sentence should not be increased beyond what is proportionate to the gravity of the crime committed by the offender merely to extend the period of protection of society from the risk of re-offending by the offender (*Veen (No 2)* (1988) 33 A Crim R 230). If the court finds it desirable, that principle may be breached to a degree that the court believes warranted.

- The trigger for the declaration of a serious repeat offender is conviction for at least three offences punishable by a maximum of five years or more (that is the indictable offences listed), and that either a sentence of actual imprisonment has been imposed for each of these offences or, if sentence has yet to be imposed, actual imprisonment would be imposed for each of these offences. The offences must have been committed on at least three separate occasions or in the course of at least three separate courses of conduct. It does not matter whether the offences are dealt with separately, or together, or are sentences pursuant to s 18A of the *Criminal Law (Sentencing) Act*, so long as there are three separate courses of conduct involved.

  For example: A defendant is convicted in one trial of having committed a series of rapes. These rapes occurred in 1999, 2000 and 2001. That defendant is liable to be declared a serious repeat offender if a sentence of actual imprisonment would have been imposed for each of these offences, whether or not it is proposed to sentence the defendant separately or under s 18A.

  For example: A defendant is convicted in one trial of a number of offences arising from a bank robbery. He is convicted of armed robbery, attempted murder and malicious wounding. That defendant is not liable to be declared a serious repeat offender. All charges arose from the same course of conduct.

  For example:

  A defendant was convicted in 1990 of burglary of a dwelling house and sentenced to three years imprisonment. On release, he was convicted in 1994 of rape and sentenced to six years imprisonment. He has now been convicted of serious criminal trespass (home invasion) and will be sentenced to imprisonment. He is liable to be declared a serious repeat offender.

- Not every offence punishable by five years or more will attract this set of provisions. The offences which will do so are listed and concentrate on serious drug offences, offences of violence, home invasion, robbery, arson and causing a bushfire. There is also general provision for other offences committed by the use of violence. It does not apply to young offenders.

This Bill represents another element of the law and order contract between the Government and the South Australian public.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Clause 4: Insertion of Part 2 Division 2A

This clause inserts a new Division 2A in Part 2 of the *Criminal Law (Sentencing) Act 1988* as follows:

Division 2A—Serious repeat offenders

20A. Interpretation

This clause defines the term "serious offence", which is used in proposed section 20B (and, for the purpose of that definition, also defines "home invasion" and "serious drug offence"). It also provides that an offence is only a serious offence if it is punishable by at least 5 years imprisonment and that the measure does not apply to or in relation to an offence committed by a youth.

20B. Declaration that person is a serious repeat offender

This clause empowers a court dealing with a person who has been convicted of a serious offence to declare the person to be a serious repeat offender if certain preconditions are satisfied and the court is of the opinion that the person's history of offending warrants a particularly severe sentence in order to protect the community.

The declaration can only be made if—

- the person has been convicted of at least three offences (committed on three separate occasions) each of which was—
  - a serious offence; or
  - an offence against the law of another State or Territory that would, if committed in this State, be a serious offence; or
  - an offence against a law of the Commonwealth dealing with the unlawful importation of drugs into Australia; and
- the person has been imprisoned in relation to all three offences or, if a penalty is yet to be imposed in respect of any of the offences, a sentence of imprisonment (other than a suspended sentence) is, in the circumstances, the appropriate penalty for that offence.

If a court sentencing a person for a serious offence makes a declaration that the person is a serious repeat offender, the court is not bound to ensure that the sentence it imposes for the offence is proportional to the offence and any non-parole period fixed in relation to the sentence must be at least four-fifths the length of the sentence.

Clause 5: Repeal of section 22

This clause repeals section 22 of the *Criminal Law (Sentencing) Act 1988*, which deals with "habitual criminals".

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ADJOURNMENT

At 10.47 p.m. the council adjourned until Thursday 15 May at 2.15 p.m.