LEGISLATIVE COUNCIL

Monday 10 November 2003

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 2 and 4.

AGENTS INDEMNITY FUND

2. **The Hon. R.D. LAWSON:** Would the Minister for Consumer Affairs provide the following information in relation to the Agents Indemnity Fund for the year ended 30 June 2002:

1. In relation to the item 'Claims $1 720 000' shown under 'Expenses for ordinary activities' in Appendix 13 of the annual report of the Commissioner for Consumer Affairs, 2001-2002:
   (a) How many claims were paid in respect of the fiduciary default of:
      (i) a land agent; and
      (ii) a conveyancer?
   (b) In respect of each payment over $50 000 included in such amount:
      (i) what was the name of the defaulting land agent or conveyancer;
      (ii) what was the amount of payment; and
      (iii) in which year did the default occur?
   (c) Was any amount paid in respect of the fiduciary default of G. C. Growden Pty. Ltd in the year ended 30 June 2002?
   (d) If so, what amount or amounts were paid?
2. In relation to the item 'Administration $212 000':
   (a) To whom was the amount of $212 000 paid; and
   (b) If the amount was paid to more than one person or organisation, what is the name of each person and organisation paid more than $20 000 and how much was paid to each such person and organisation?
   (c) In respect of what services and/or costs or expenses was each such amount paid?
   (d) Was any amount included in the said sum paid under a contract for services or contracts for services?
   (e) If so, was the contract or contracts entered into after a process of competitive tendering?
   (f) If not, by what means and by whom was the amount payable under each such contract or contracts determined?
3. In relation to the item 'Consumer and Agent Education $1 005 000' shown in Note 5 on page 82 of the annual report of the Commissioner for Consumer Affairs, 2001-2002:
   (a) To whom was the amount of $1 005 000 paid; and
   (b) If the amount was paid to more than one person or organisation, what is the name of each person and organisation paid more than $20 000 and how much was paid to each such person and organisation?
   (c) In respect of what services and/or costs or expenses was each such amount paid?
   (d) Was any amount included in the said sum paid under a contract for services or contracts for services?
   (e) If so, what were the dates of the contracts and who were parties to them?
4. What amount of the Agents Indemnity Fund was applied to or for the purposes specified in the following sections of the Land Agents Act 1994 during the year ended 30 June 2002:
   (a) Section 29(4)(a);
   (b) Section 29(4)(b);
   (c) Section 29(4)(c);
   (d) Section 29(4)(d) identifying the aggregate of amounts paid for processing claims and the aggregate of amounts paying out such claims;
   (e) Section 29(4)(e);
   (f) Section 29(4)(f) specifying the aggregate of amounts paid toward the cost of prescribed education programs fro the benefit of agents, sales representatives and member of the public respectively; and
   (g) Section 29(4)(g) identifying each such purpose?
5. What was the cost of conducting the Homebuyers Seminars referred to on page 15 of the Annual Report of the Commissioner for Consumer Affairs, 2001-2002?

The Hon. P. HOLLOWAY:

The answer to question 1 (a) (b) and (c) is as follows:

In financial year 2001-02, 62 claims totalling $1 526 396.38 were paid to claimants who had suffered pecuniary loss as a result of fiduciary default of conveyancer G.C Growden Pty Ltd, and two claims totalling $172 000.00 were paid to claimants who had suffered pecuniary loss as a result of fiduciary default of conveyancer William Eamon Longworth.

G.C. Growden's mortgage financing defaulted in the year leading up to the liquidation of G.C Growden Pty Ltd in late 1996 and early 1997. A brief history is as follows:

Graham Charles Growden was a registered conveyancer and a director of the mortgage financing business G.C. Growden Pty Ltd ('Growdens').

On 24 December, 1996, the Australian Securities Commission petitioned for the appointment of Mr. John Irving as provisional liquidator of Associated Savings Pty Ltd, which was a related company of G.C. Growden Pty. Ltd. Mr. Graham Growden was the sole director. On 17 April, 1997, Mr. Irving was appointed liquidator of the company.

On 11 February, 1997, Mr. R.G. Heywood-Smith was appointed the receiver/manager of G.C. Growden Pty. Ltd. and he was subsequently appointed liquidator of the company on 17 April, 1997.

William Eamon Longworth's mortgage financing defaulted in 2000. A brief history is as follows:

Mr. Longworth was a licensed land broker and a registered conveyancer, operating as a sole trader. Mr. Longworth was declared bankrupt via his own petition on 25 May, 2000. Maris Andris Rudaks was appointed Trustee.

Particulars of Mr. Longworth's activities were provided to the Serious Fraud Branch of the SA Police, who subsequently charged Mr. Longworth with 10 counts of fraudulent conversion.

On 26 March, 2001, Mr. Longworth pleaded guilty to the charges and was subsequently sentenced to 4½ years imprisonment with a non-parole period of 2½ years on 22 April, 2001.

The following table lists the claims paid in 2001-02.

Claims 2001-02

Claimant	Conveyancer	Amount
Robina P/L	Longworth	162 000.00
Silvia Footner	Longworth	10 000.00
E Buck	Growden	36 177.24
J Leyland	Growden	40 713.86
A Sloma	Growden	47 341.70
R Coats	Growden	56 801.92
Lane	Growden	20 000.00
J F Day	Growden	11 395.00
R L Coats	Growden	17 589.48
Carnashar Investments	Growden	27 439.93
J F Day	Growden	30 605.40
T Graham	Growden	14 000.00
Barellan Trading P/L	Growden	32 396.02
E Mitchell	Growden	20 679.42
EH & JM Bair	Growden	9 936.97
J Hood	Growden	4 635.43
N Mitchell	Growden	34 167.35
Barellan Trading P/L	Growden	15 558.19
A & M Samm	Growden	6 416.62
EH & JM Bair	Growden	9 936.97
E Grandoni	Growden	111 209.03
J & L Robinson	Growden	8 351.64
CLB Starr	Growden	38 412.97
J Hayes	Growden	19 216.63
R & J Dawe	Growden	6 663.00
Dijakiewicz	Growden	30 000.00
Jean Jones	Growden	10 000.00
Rozenweig	Growden	10 652.67
I Yeates	Growden	13 000.00
L Boully	Growden	8 656.71
E Mitchell	Growden	6 517.15
l & J Queale	Growden	47 697.45
R & R Reynolds	Growden	4 968.49
R Reynolds	Growden	13 911.76
R Gasmier	Growden	13 125.00
T Koerber	Growden	5 962.19
Litchfield Nominees	Growden	10 500.00
Drabsch	Growden	20 000.00

Claimant	Conveyancer	Amount
Health Partners	Growden	41 908.55
Lachlan Farms	Growden	19 873.94
Thomas	Growden	16 892.85
Yeates	Growden	9 936.97
Kenandor Nominees	Growden	64 590.30
Harris	Growden	7 949.58
Hood	Growden	49 684.85
Jarrett	Growden	19 723.53
Rogers	Growden	7 471.49
Bailey	Growden	39 780.50
Fritsche	Growden	12 000.00
Yeates	Growden	3 105.73
Hood	Growden	10 386.32
Keller	Growden	70 049.25
Litchfield Nominees	Growden	20 499.13
Ellwood	Growden	49 684.84
Ellis	Growden	23 870.33
Grosser	Growden	43 382.89
Andziak	Growden	59 684.84
Freeman	Growden	15 500.00
Duinkin	Growden	31 178.14
Grosser	Growden	22 855.03
Mitchell	Growden	3 399.25
Wellington	Growden	20 000.00
Earden	Growden	15 000.00
Turner	Growden	10 000.00
Perkins	Growden	23 351.88
Total		1 698 396.38

The answer to question 2 (a) (b) (c) (d) (e) (f) is as follows:

The Administration expenses of $212 000 incurred in 2001-02 were paid to these entities:

$167 133.59 was paid to the Office of Consumer and Business Affairs as recoupment for expenses incurred in administering the Agents Indemnity Fund, including processing of claims. This payment was made pursuant to section 29 (4)(d) and (e) of the Land Agents Act 1994.

$14 952 was paid to Mr. Ron Materne ABN 87 158 088 510. Mr. Materne is a retired ex-employee of the Office of Consumer and Business Affairs and has extensive experience with the Agents Indemnity Fund and associated scrutiny and processing of claims. Mr. Materne was seconded by the Office of Consumer and Business Affairs and was paid a rate of twenty-four dollars ($24) per hour. A competitive tendering process was not entered in to. This payment was made pursuant to section 29 (4)(d) and (e) of the Land Agents Act 1994.

$30 000 was paid to the Australian Institute of Conveyancers and was incorrectly coded to this line. This payment should have appeared in the line 'Consumer and Agent Education'. This payment was made pursuant to section 31 (2)(f) of the Conveyancers Agents Act 1994 and is a payment of an amount, approved by the Minister, towards the cost of the prescribed advisory services conducted by the Australian Institute of Conveyancers for the benefit of members of the public.

The answer to question 3 (a) (b) (c) (d) (e) is a follows:

Amounts paid to the Real Estate Institute in 2001-02 were for the provision of these services:

Real Estate Agent Professional Development for period 1/7/00-30/6/01	105 986
Real Estate Agent Professional Development for period 1/7/00-30/6/01	114 014
Real Estate Agent Professional Development for period 1/7/01-30/6/02	220 000
Consumer Advisory Services for period 1/7/00-30/6/01	100 142
Consumer Advisory Services for period 1/7/00-30/6/01	99 857
Consumer Advisory Services for period 1/7/01-30/6/02	200 000

Amounts paid to the Australian Institute of Conveyancers in 2001-002 were for providing these services:

Consumer Advisory Service for period 1/7/00-30/6/01	10 212
Consumer Advisory Service for period 1/7/01-31/12/01 (appeared in Administration line as discussed in question 2 response)	30 000
Consumer Advisory service for period 1/7/01-30/6/02	60 000
Consumer Advisory Service for period 1/7/02-30/6/03	90 000

The payments made to the Real Estate Institute and the Australian Institute of Conveyancers were made via funding and service agreements pursuant to the Land Agents Act 1994 section 29 (4)(f) and the Conveyancers Act 1994 section 31 (2)(f), approved by the Minister in accordance with Land Agents Regulation 1995 section 20 (2)(a) and (b) and the Conveyancers Regulation 1995 section 18 (a), (b) and (c).

The funding and service agreements cover the period 1 July 2000 until 30 June 2005. The parties to the agreements were the Real Estate Institute and the Australian Institute of Conveyancers and the Commissioner for Consumer Affairs.

The answer to question 4 (a) (b) (c) (d) (e) (f) (g) is a follows:

During the year ended 30 June 2002, amounts applied from the Agents Indemnity Fund pursuant to these sections of the Land Agents Act 1994 are:

Section 29 (4) (a) Investigation of complaints	$52 562
Section 29 (4) (c) Cost of appointment of administrators.	$73 597
Section 29 (4) (e) Cost of administering the fund	$161 796
Section 29 (4) (f) Cost of amounts approved by Minister	
Land Agents education	$440 000
Member of Public (advisory service)	$400 000

During the year ended 30 June, 2002, amounts applied from the Agents Indemnity Fund pursuant to these sections of the Conveyancers Act 1994 are:

Section 31 (2)(d) Cost of processing of claims	$87 915
Cost of claims	$1 698 396
Section 29 (4)(f) Cost of amounts approved by Minister	
Members of Public (advisory service)	$190 212

The answer to question 5 is as follows:

The cost of running the Homebuyers' Seminars is shared between the private and public sector agencies that participate in the program.

All participating agencies contributed to the operating overheads in holding eight seminars by way of a sponsorship contribution of $5 000 each per annum or an equivalent value in kind.

OCBA contributed $5 000 in the 2001/2002 financial year to help meet the costs of venue hire and advertising as well as 70 hours of staff time and the cost of consumer advisory literature, estimated to be $3 000.

ROCK LOBSTER FISHERY

4. **The Hon. CAROLINE SCHAEFER:** With regard to commercial fishing licence allocations in the Northern Zone Rock Lobster Fishery:

1. Has PIRSA used an individual log book data for the purpose of determining individual quota allocation?
2. How does PIRSA gain access to this data?
3. (a) Has PIRSA verified the accuracy of the catch log data; and
   (b) If so, how?
4. (a) Was the accuracy of the data provided checked as part of the review; and
   (b) If not, why not?
5. (a) Does PIRSA intend to develop a transparent system of allocating quota; and
   (b) If so, when will licence holders be informed?

The Hon. P. HOLLOWAY:

1. PIRSA has used individual log book catch data for the purpose of determining the catch history of licence holders during the qualifying period 1997-98 to 2000-01. Log book data is collected under the Fisheries Act 1982 and section 66A of the Act provides that information obtained in the administration of the Act must not be divulged except in connection with the administration of the Act; with the consent of the person from whom the information was obtained; or for the purposes of any legal proceedings arising out of administration of the Act. Any suggestion that this data has been publicly released or cannot be used in determining quota management arrangements for the fishery is incorrect.

2. As explained in my answer to the first question, PIRSA is legally entitled to use commercial log book data in certain circumstances. The previous Liberal government used commercial log book data to develop and implement three quotas: blue crabs, giant crabs

and pilchards. The use of log books in this case has been no different.

3. (a) and (b)

PIRSA has not verified the accuracy of the log book data, not does it believe this is required. The qualifying period used for catch history is only up until 2000-01 to ensure that any potential for false reporting because of a proposed move to a quota management system is minimised. I am not aware of evidence to suggest that there is misreporting of catch data in log books and I would encourage anyone who may, at any time, have information on this subject to contact Fishwatch.

4. (a) and (b).

The accuracy of the data provided to PIRSA Fisheries by SARDI, which is a group of PIRSA, was checked for accuracy as far as is possible before being used in the allocation formula. Should there be any problem, this can be discussed between the licence holder and PIRSA Fisheries once the quota allocation has been determined for each licence holder.

5. (a) PIRSA has been undertaking a transparent process for moving to the quota management system. There has been an extensive industry-driven review of the fishery over the past 18 months which has been chaired by an independent facilitator chosen by industry. The government also funded an investigation by an Independent Allocation Advisory Panel, chaired by a retired ex-Chief Magistrate of the District Court to ensure a robust process was undertaken from which to make a determination on an equitable quota allocation mechanism. The process has been extensive and open.

(b) After the decision on the quota allocation had been made by the Director of Fisheries and approved by me, all licence holders were advised of their provisional quota allocation in a notice from the Director of Fisheries on 17 September 2003. That notice also advised licence holders to contact PIRSA if there were any problems with the quota allocation. Subsequently, the Northern Zone Rock Lobster Fisherman's Association raised three concerns with the Director concerning the allocation mechanism. A meeting was held on 30 September with a delegation of fishers from the Association and subsequently the Director made further recommendations to me suggesting a change to the allocation mechanism as requested by the Association. I approved this recommendation on 3 October. The Director has notified licence holders of the new quota allocations based on the changes proposed by the Association. The review process has been rigorous, open and collaborative between PIRSA and the industry. This is an excellent example of how government and industry should work together and I would congratulate the industry leaders and PIRSA for their efforts over the past 18 months.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. R.K. SNEATH: I bring up the report of the committee on an inquiry into the South Australian Housing Trust.

Report received and ordered to be published.

TERRORISM

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to terrorism made earlier today in another place by my colleague the Premier.

DISABLED CARE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to disabled care made on 23 October 2003 in another place by my colleague the Hon. Stephanie Key.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to move a motion without notice concerning the appointment of a member to the Environment, Resources and Development Committee.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

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

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. G.E. Gago be appointed to the committee in place of the Hon. J.M. Gazzola, resigned.

Motion carried.

QUESTION TIME

ANANGU PITJANTJATJARA EXECUTIVE BOARD

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Anangu Pitjantjatjara Executive Board.

Leave granted.

The Hon. R.D. LAWSON: Section 9 of the Pitjantjatjara Land Rights Act 1981—landmark legislation in this state—provides that there shall be an executive board of Anangu Pitjantjatjara elected annually at an annual general meeting. Last month, a delegation of members of the board of Anangu Pitjantjatjara, including the Chairman, Mr Gary Lewis, met with a number of members of parliament, including myself, and also the Premier, at which the delegation asked that the annual term of the current executive be extended for three years. The delegation informed me that the Premier told the delegation that that proposal did not have his support and that the board should go to the forthcoming annual general meeting for re-election, and the Premier expressed confidence that they would be re-elected if they were supported by the people on the lands. I was similarly informed of the situation, and I also indicated that the opposition would not support an extension of the term until the legislation was changed.

The opposition has recently been advised that the current executive board has changed the rules and constitution of Anangu Pitjantjatjara and had that change registered with the Corporate Affairs Commission. The change was to extend the term of members of the executive board from one to three years, contrary to the Pitjantjatjara Land Rights Act. My questions to the minister are:

1. Is he aware of the fact that the executive board has registered a change of the constitution that is inconsistent with the provisions of the Pitjantjatjara Land Rights Act?

2. Has the minister obtained crown law advice that the constitution and rules of Anangu Pitjantjatjara must conform to the legislation? If he has received that advice, what action is the minister taking to ensure that this body complies with the legislation that established it?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question. The most updated information I have received is that the request was made to change the legislation in relation to the length of term. That is an issue

that has been discussed by the select committee. Governance is a key question in relation to the administration of lands—that is, local governance of the Aboriginal community.

As I have said in this place on a number of occasions, we have expected the APY community to govern itself with, basically, what was regarded as a land management act put together in 1981, which is not suitable for managing matters associated with land, culture and heritage and the overseeing and policy development of the delivery of human services. This government has tried to prepare the APY governance for projected change. We have had a number of meetings on the lands to discuss those changes and recommendations that have been developed over the 18 months that we have been in government to enable discussion within communities as to which areas of change they would like to see developed within their own governance and in which areas they would like to see our own governance change to meet those needs.

Some members of the executive made a request that the current executive be rolled over for a 3-year term. The situation was that to do that away from parliament was impossible. The only way it could be achieved is to have general agreement across the board so that legislation could be prepared which, given the timeframes, would have to be retrospective. I expressed a view that that would be difficult to achieve, and that was subsequently found to be correct. The changes that the honourable member indicates that the APY has put together have been to change its own constitution to incorporate some of those recommendations for change that have been discussed. However, we advised the APY executive that we could not change our legislation to roll over an executive on the basis of a request. It would have to have legislative change or support for retrospective change.

We have indicated to the APY executive that it would have to face an election at its annual general meeting, and my understanding is that a decision has been made by the APY executive to do exactly that. I am waiting on a fax message from the APY to indicate that. I have just contacted my staff, who informed me that the fax has not yet arrived but I am expecting it some time today. The current circumstances are that, given the changing nature of the responsibilities that the APY has, it understands that its governance needs to change. The recommendation that the government has—and the committee is discussing it—is that one-year terms are not adequate for service delivery, land management and heritage management issues; and the other issue that the community has to deal with is that we have a general proposal to extend the term to either two or three years.

We as a government support that but we are not able to support changes that conflict with the current legislation. I will keep the honourable member informed when the facts or confirmation arrive from the executive. They will be going to an annual general meeting on 15 December—the date has been set; but an election will be required by the government. As for the extension, the roll-over or the way in which the election will be taking place, we need the details of that.

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: Today I received a copy of a letter written by a prominent member of the apiary industry to the minister on 17 October. It states:

> Dear Minister, I am distressed to advise you that the last vestige of confidence and respect I can muster for the administration of the Apiary unit's duty of care responsibilities under the Livestock Act 1997 has been eroded to the point that I seek to recover my levies paid into the Apiary Industry Trust Fund. I realise that this is a symbolic gesture of protest, however, it is clear to me that the necessary level of confidence, trust and respect between PIRSA, the industry and its peak industry body, the South Australian Apiarists Association (SAAA) is at an all time low and getting worse daily.

My questions are: is the minister aware of the major conflict between PIRSA and the industry, particularly in relation to American foul brood disease control? Does the minister admit that the department has failed to use its legislative powers to act against those who blatantly ignore regulations with regard to that disease? Does the minister also admit that there is an attitude within his department that the disease is out of control and may as well be forgotten about, and what is he doing about that situation?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I certainly do not accept some of those latter assertions. In relation to American foul brood disease, it is fair to say that the Department of Primary Industries and Resources considers that it is a disease that needs to be managed and, like most other animal diseases, it would be better if that disease was managed by the industry itself. It is worth pointing out at the outset that, in relation to the major animal diseases we have in this country (such as OJD and BJD), in most cases the various advisory groups (the sheep advisory group and the cattle advisory group respectively) through their various levies and through the advisory groups do take a significant role in managing the handling of those particular diseases. Indeed, the treatment of those diseases is funded by the industry.

In relation to bee diseases—the apiary diseases—the government has had a great deal of difficulty in getting contributions from that industry towards the handling of those diseases. Indeed, there have been a number of meetings and some unhappiness on behalf of the Apiary Association because it seems to believe that, unlike other industries, it should not have to contribute towards controlling diseases, even though it is the principal beneficiary of action taken by the department in relation to those diseases.

There has also been a longstanding philosophical issue in relation to the apiary industry, whereby some in that industry—and a retired judge has been briefing it—believe that, under the Livestock Act, the department has a duty of care and should be totally responsible for the elimination of American foul brood disease in all beehives. Clearly, no government would have the resources to do that or, indeed, some of the other bee diseases, such as small hive beetle, which could pose a threat to this state.

Although I do not have them with me, I am aware that the statistics show that, in terms of handling American foul brood disease, the Department of Primary Industries and Resources has been very effective with the methods it has adopted in actually reducing the incidence of that disease. Of course, within the beekeeping industry, it is particularly difficult, in some respects, to manage that disease, because as well as the main commercial component there are a lot of small beekeepers and also a significant amateur component. In terms of managing the disease, whereas the larger commercial keepers obviously have a significant interest in the control of these diseases, unfortunately, the amateur operators do not always

see it to be in their interest to be as diligent in relation to the elimination of disease.

The real point that needs to be made in relation to the honourable member's question is that the industry itself really needs to take primary responsibility, as other industries do, if this disease is to be properly controlled, and I think control is really what we are talking about here. There have certainly been some difficulties with the apiary advisory group that go back some years. We have had questions in this parliament before which I think predate the time I have been in this ministry.

I have had a number of meetings with the SAAA. Indeed, I am meeting with the President of the South Australian Apiaries Association on 19 November, I think, to discuss some of the industry's views on the matter. There has been an ongoing discussion in relation to what contribution the industry should make towards controlling AFB and other diseases and also the contribution generally to the future of the industry. It is certainly my view that the industry needs to take a more strategic view of its future, as other animal industries have done, rather than just focusing on disease control and expecting that the department will eradicate the disease for it. I think it is important that the industry takes a more strategic look at where the apiary industry in this state should be going.

Apart from that, I indicate that I will be meeting with the president shortly, which is in addition to a number of other meetings I have had with the apiary industry in the past. We will try to improve relations. However, the bottom line is that the industry really does need to take more responsibility for the management of diseases, as other industries do.

The Hon. CAROLINE SCHAEFER: As a supplementary question, does the minister agree that the only body that has the legislative ability to close down non-compliant beekeepers is, in fact, his department; and, does he also agree that, far from what he has just told us, industry people expect the government to do it all? It has had considerable input not only by way of its levies but also by voluntary support with logistics vehicles and free labour to assist departmental officers in controlling the disease.

The Hon. P. HOLLOWAY: In relation to controlling the disease, the department had employed additional staff. The level of cost recovery from the industry in relation to the additional staff member over the past 18 months, or so, is relatively small—

The Hon. Caroline Schaefer: But you don't care.

The Hon. P. HOLLOWAY: Well, we do care. Taxpayers are subsidising this industry quite heavily relative to all other animal industries in an attempt to stamp out this disease. Of course, under the Livestock Act the inspectors are responsible for taking action; and, certainly, it helps their compliance if they have the cooperation of the industry. Undoubtedly there are some rogue elements, if you can call them that, within the industry (as there are within every industry) against whom one needs to take action. Obviously, the department will do that wherever it has evidence that that is happening.

But the idea of other beekeepers acting as sort of vigilantes, as the honourable member appears to be suggesting in that supplementary question, is one about which we would need to be fairly careful. Certainly, over the last couple of years, the department has increased its effort in that respect; and that effort is fairly heavily subsidised by taxpayers relative to what happens in other animal industries.

The Hon. CAROLINE SCHAEFER: As a further supplementary question: is it then the savage budget cuts to the minister's department that make that department incapable of having sufficient inspectors on the ground to combat this disease?

The Hon. P. HOLLOWAY: Certainly not. The honourable member was not listening. We have cost recovery in other industries, a process which, incidentally, began some years ago under the previous government and which was also recommended by the Productivity Commission. In relation to cost recovery in its industries, this government is adopting the recommendations of the federal government's Productivity Commission. Those processes began long before this government came to office. The point is that, in relation to the apiary industry, there is not the level of cost recovery that there is in other industries.

It is not a question of cutbacks at all. We would like to have a better relationship with the industry in order to work towards the industry taking responsibility for disease management, as other industries do, and do very successfully. The improvements being made in the OJD, BJD and other animal disease programs are as a result of the industry taking the lead; and PIRSA can make a great contribution to those programs where we have industry involvement. However, the department cannot do it all if the industry is not united and does not have the wish or the capacity, as the case might be, to deal with these problems.

POLICE NUMBERS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement on police numbers made earlier today in another place by my colleague the Deputy Premier, the Minister for Police.

DEPARTMENTAL REVIEW

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the minister for business, manufacturing and trade a question about the review of that department.

Leave granted.

The Hon. R.I. LUCAS: Mr President, as I am sure you are probably aware, the recent review by minister McEwen of the Department for Business, Manufacturing and Trade has been very strongly opposed by persons associated with regional development, and a number of local government officers—the mayors and other officers—from regional areas have strongly opposed some aspects of that review. I am sure, Mr President, as you and others within the caucus might be aware, some senior members of the caucus are also very strongly opposed to the direction of minister McEwen's review of the Department for Business, Manufacturing and Trade. You might also be aware, Mr President, that some members of the cabinet are also opposed to some of minister McEwen's proposals for the Department for Business, Manufacturing and Trade.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Well, not in relation to this issue, anyway. Mr President, in addition to that very strong opposition, of which I am sure you and other members of the caucus are aware, there is very strong opposition from small

business operatives and people working with small businesses in South Australia. I am advised that, on 22 October at 4.30 p.m., senior officers from the Department for Business, Manufacturing and Trade conducted a forum or session for 30 to 40 people who are actively associated with working with small and medium-sized enterprises in South Australia as to the implications for small businesses as a result of minister McEwen's review.

I cannot quote in graphic detail all that was said at that meeting, but I can give one summary of the meeting, or policy direction, that was espoused to the attendees. One person said to me that they were told, by a senior officer, that our future policy direction recommended to minister McEwen is to be industry based and the rest is to look after itself and that large industries with further potential identified and recommended to government will only get incentives, not small businesses.

Finally, this attendee at that meeting said that this senior officer, in leaving the briefing session, said:

I can see no future for you with the proposed policy direction. . .

and then proceeded to leave the meeting. That person, speaking on behalf of a number of others who attended that meeting, expressed to me their horror that minister McEwen and the government were intending to treat small and medium-sized businesses in the way that had been outlined at the meeting.

The Hon. R.D. Lawson: With contempt!

The Hon. R.I. LUCAS: As my colleague, the Hon. Mr Lawson says, 'with contempt'. My questions to the minister are as follows:

1. Given the importance of small and medium-sized enterprises to South Australia's economic growth, why is he gutting the range and quality of services being provided by the Department for Business, Manufacturing and Trade to small and medium-sized enterprises in South Australia?

2. Does he accept that his gutting of these services to small and medium-sized enterprises from his department will make it more difficult for small and medium-sized enterprises to compete in the global economy and will also, potentially, reduce the level of possible economic growth in South Australia?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply. However, I remind the honourable member that it is a review process and discussions are still continuing.

YELLOW TAIL KINGFISH

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about escaped yellow tail kingfish.

Leave granted.

The Hon. CARMEL ZOLLO: There has been much speculation in the country media regarding the effect that escaped kingfish are having on the environment and fish stock, particularly in the northern Spencer Gulf. In the past, the minister has mentioned that he is awaiting a report on this matter. I am aware that he released this report very recently. My questions to the minister are:

1. What did the report show?

2. Does this offer any comfort to the aquaculture industry, and does he intend to take further steps to gather data on king fish?

The Hon. T.G. Cameron: I'm not sure he heard the question.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I did hear it. The honourable member is correct: I did recently release a SARDI report into escaped king fish. The purpose of the SARDI report was to determine whether it was possible to identify escaped yellow tail king fish in South Australian waters, which would clearly necessitate being able to differentiate between wild and cultured fish. Briefly, the report studied 213 king fish. Thirty-six were caught in Southern Spencer Gulf and can reasonably be assumed to be wild king fish; 77 were caught in Northern Spencer Gulf and were of uncertain origin; and 100 were farmed king fish removed from pens.

The physical characteristics of the 77 of uncertain origin were compared with those of both the wild and the farmed king fish. The results of the research program indicate that it is likely that the northern king fish were escaped king fish and that they can be clearly differentiated from wild king fish based on physical characteristics. It is important to note that both SARDI and I would have preferred a larger sample size. However, the project encountered some difficulty in capturing fish. This in itself is significant, as it indicates that perhaps there are not the great numbers of king fish in the gulf that some have suggested.

During the course of the project the gut contents of the 77 fish that can be now be regarded as escaped were examined. The results were interesting. Two-thirds of the escaped fish had empty stomachs. The remaining third contained small remnants of vertebrates, invertebrates and plant material. The presence of plant material in predatory fish is unusual and is further evidence that these fish were inexperienced feeders and were feeding poorly. The evidence of poor feeding by the admittedly small number of escaped fish provides a level of comfort to those concerned that escaped fish may be impacting on the environment of Northern Spencer Gulf. Additionally, critics of king fish aquaculture have not been able to produce evidence that escaped king fish are damaging the environment or predating on other species.

In order to gather data on the number of escaped king fish that are still present in Upper Spencer Gulf, I have announced a new temporary split size and bag limits for king fish that will apply from today, 10 November. A new temporary size category will apply. For fish between 45 and 60 centimetres, there will be a bag limit of 10 and a boat limit of 30; for fish greater than 60 centimetres, the previous bag limit of two and a boat limit of six will apply. This lower size limit will apply only in the waters of Spencer Gulf, north of a line from Cape Catastrophe on Eyre Peninsula to Cape Spencer on Yorke Peninsula. It is important that over the period—because this will operate for 12 months—the temporary changes are in place. More information about this size of fish will be obtained, and PIRSA will be working with the South Australian Recreational Fishing Advisory Council (SARFAC) to look at ways of encouraging recreational fishers to become involved in the information gathering process so that we can improve our data on the escaped fish.

BAKHTIARYI FAMILY

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Agriculture,

Food and Fisheries, representing the Premier, a question about the state government's involvement in legal matters relating to the Bakhtiaryi family.

Leave granted.

The Hon. KATE REYNOLDS: The Bakhtiaryi family has been featured prominently in the media lately, following the release earlier this year of five children from the Baxter Detention Centre and their mother Roqia last month giving birth to her sixth child whilst still in detention. Mrs Bakhtiaryi remains under guard in detention at an Adelaide hotel while her husband is still being held at Baxter. The Premier stood in another place on 14 August last year and gave an impassioned speech about the fate of two brothers, both from the Bakhtiaryi family, who had escaped from the Woomera Detention Centre. In his speech, the Premier said that he was greatly concerned that children were being held in detention by the commonwealth government for extraordinarily long periods of time.

The Premier called upon the commonwealth government to consider other options for the children of detainees, options which made their safety and wellbeing paramount. However, there was no mention in his speech that the Attorney-General was at that time briefing the Solicitor-General of South Australia to intervene in two legal matters—which related to the boys' family—to support the commonwealth government, which was opposed to the release of the family. In fact, on 3 September 2002, Mr Selway QC made a submission to the High Court. In his speech the Premier said:

> . . . state child protection workers are allowed into [Baxter Detention Centre] only with the permission of the commonwealth government and cannot legally enforce their recommendations under South Australia's Child Protection Act. . .

I note that the Department of Human Services and the department of immigration had previously signed a memorandum of understanding on 6 December 2001 which related to child welfare issues for children in detention and which stated that the Department of Human Services had a legal responsibility to investigate child protection concerns for children in immigration detention in South Australia. My questions are:

1. What was the thrust of the submission by the South Australian government in support of the commonwealth, which apparently sought to deny visas for Mrs Bakhtiaryi and her five children (in the first instance) and judicial review for asylum seekers and migrants (in the second)?

2. When the Premier spoke in another place on 14 August 2002 in support of the release of these children, was he aware of this submission which seems to support denying Mrs Bakhtiaryi a visa and, thus, visas for her children?

3. Will the Premier table the submission in parliament?

4. Did the Premier suggest or authorise this submission supporting the commonwealth's position?

5. Why did the Premier claim in his speech on 14 August 2002 that the South Australian government could not intervene in cases of suspected abuse or neglect of children?

6. What is the Premier doing now to alleviate the mental, physical and emotional suffering of children still incarcerated in Baxter Detention Centre?

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): For the benefit of the honourable member who interjects, immigration matters are the responsibility of the commonwealth government. There are some detailed questions—

Members interjecting:

The Hon. P. HOLLOWAY: Indeed, the Australian Labor Party has been trying for some time to improve the treatment of women and children who are held within detention. The honourable member has asked a number of detailed questions. I will get a response and bring back a reply.

The Hon. KATE REYNOLDS: I have a supplementary question. Is the minister suggesting that the state government has no role in the protection of children in immigration detention?

The Hon. P. HOLLOWAY: No, I am not.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: One thing I do suggest is that the Leader of the Opposition and his party federally do not have a particularly good record in relation to this area.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister ensure that the memorandum of understanding signed between the state government and the federal government is tabled in parliament?

The Hon. P. HOLLOWAY: I am not sure what the honourable member is talking about, but normally MOUs are publicly available. I am not aware of the status of this particular document.

RAILWAY STATIONS

The Hon. T.G. CAMERON: 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 emergency hotline numbers for railway stations.

Leave granted.

The Hon. T.G. CAMERON: My office has received a disturbing telephone call from a constituent who lives at Hallett Cove and regularly uses the Hallett Cove Beach Railway Station. It involved an incident that occurred at the station on Monday last week. Passengers waiting on the platform for the 8.57 morning train to the city were threatened by a man displaying psychotic behaviour. It was very distressing for many of the passengers as the man was dressed only in a shirt—and nothing else from the waist down.

He was observed walking up and down the platform in an agitated manner, shouting and screaming and getting very close to the edge of the platform. My constituent observed that many of the people there were clearly frightened, and one woman was crying. She was forced to leave the platform when he verbally threatened and chased her. A number of the waiting passengers quickly used their mobile phones to try to call for help. However, no-one knew the number of the transit police, so eventually the police were called.

As the approaching train pulled into the station, some of the passengers tried to wave the driver down, so that he would stop the train. They were extremely worried that the man was about to jump in front of the train. The man was eventually locked in one of the carriages, and the train driver refused to move until the police arrived. A full 20 minutes passed before two police officers arrived and escorted the man off the train. I understand that he was taken to James Nash House for an examination. A near disaster was only just avoided. This man could have harmed a waiting passenger or he could even have thrown himself in front of the train, all because the driver could not be contacted and was unaware of the situation. My questions to the minister are:

1. Will the government consider installing, at the very least, a sign with a hotline number that passengers can use in emergencies at every suburban station?

2. Will the government also consider increasing the number of panic button emergency systems at railway stations, particularly at major and minor interchanges?

3. How many times have the existing panic buttons been used during the past 12 months?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The honourable member has raised a difficult situation that was averted by commonsense. I will refer the question to the minister in another place and bring back a reply.

ELECTRICITY SUPPLY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Energy, a question about electricity generation and greenhouse gas emissions.

Leave granted.

The Hon. J.F. STEFANI: In the year 2000, Australia's net greenhouse gas emissions from all sources were estimated to be 535 million tonnes. This represents an increase of 33 million tonnes over a period of 10 years, and it is the equivalent of 30 tonnes for every man, woman and child. Electricity generation emissions in the year 2000 were estimated to be 175 million tonnes, or approximately 33 per cent of all emissions. Conservative assumptions indicate that electricity usage will increase at the rate of 2.8 per cent per annum and compound over 20 years to the year 2020. This represents a total increase of 75 per cent. Greenhouse gas emissions from electricity generation can also be expected to increase by 65 per cent to 290 million tonnes if the increased demand is met only by using black coal to generate the additional electricity required.

It is estimated that, by using the combined gas cycle method to generate the same additional amount of electricity, the total greenhouse gas emission will be 223 million tonnes. This is a greatly reduced amount when compared to the amount emitted through the use of coal. South Australia has a number of ageing generation plants that use brown coal and gas turbines to generate the electricity that we use. Some new wind generating facilities are being installed in South Australia. However, this new equipment will not generate any significant amount of electricity. My questions are:

1. What steps has the minister taken to ensure that South Australia will not be a major contributor to the increased greenhouse gas emissions through the use of brown coal to meet any additional electricity demands over the next 10 years?

2. Can the minister advise whether the government has undertaken any study to identify the projected increased electricity usage in South Australia over the next 10 years? If so, will he make such studies available and, if not, why not?

3. Is the minister aware that an $800 million solar thermal electricity generator is planned to be built in 2005 in southern New South Wales? This plant is capable of generating 200 megawatts with four more plants planned to operate by the year 2010.

4. Can the minister advise whether he has taken any steps to encourage a similar electricity operator to build a solar thermal generator in South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The honourable member asked me some questions some time back in relation to the rising electricity consumption and also its greenhouse impact. I know I have recently signed off an answer to the honourable member which had figures very similar to those he has raised. I am not sure whether or not he has it yet, but he would be getting it very shortly. I will pass those questions on to the Minister for Energy and if there is any information other than that already contained in the answer that should be coming to him soon I will forward that information from the Minister for Energy.

HOTEL INDUSTRY

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about the provision of water in hotels.

Leave granted.

The Hon. J.M.A. LENSINK: The code of practice under section 42 of the Liquor Licensing Act 1997 requires licensed premises 'to promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor'. An example contained in the code of practice for the purpose of this section is 'providing water free of charge to customers'; however, I point out that this is voluntary and not mandatory. Several reports have highlighted the recent increasing use of party drugs in bars and nightclubs. According to the United Nations, Australia has the highest level of ecstasy abuse in the world.

A report by the Victorian Alcohol and Drug Association has recommended that licensed premises should be required by law to provide free drinking water to patrons. Currently, some localities provide free water whereas others provide bottled water only, for which they can charge. In such premises, it is not uncommon for patrons to access tap water from the rest rooms. Given the health risks associated with over-consumption of alcohol, especially relating to illicit drugs, will the government consider ensuring that all licensed premises are required to provide free tap water in the interests of enhanced health and safely for patrons?

The Hon. P. HOLLOWAY (Minister for Agricultrue, Food and Fisheries): I will pass that question on to the Attorney-General and bring back a response.

LOCAL GOVERNMENT, INDIGENOUS RELATIONS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about indigenous local government relations.

Leave granted.

The Hon. R.K. SNEATH: I noted with interest an article in the Victor Harbor *Times* of Thursday 23 October headed 'Kaurna Agreement—Councils to work more closely with Aborigines'. The article states:

> The District Council of Yankalilla has joined the Onkaparinga, Holdfast Bay and Marion councils in endorsing the draft Memorandum of Agreement between the four councils and the Kaurna community.

It further explains:

> The agreement will include protocols for public occasions, protection for places of importance, consultative framework for

development, including guidelines under the Native Title and Aboriginal Heritage Acts, promotion of Kaurna identity. . .

There is a clear indication from this article that there has been considerable work undertaken by both the Kaurna community and the councils involved and that a positive outcome has been achieved. Given this, my question is: will the minister inform the council of the agreement and what it means for those involved, and what can other councils around the state take from this agreement?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. I understand how slow sometimes the mail is in country areas, in delivering the regional press to our doorstep. The pleasing thing about the headline in the Victor Harbor *Times* is the fact that local government is now driving the reconciliation agenda into the community and linking up with many of the Aboriginal groups in the state.

The Kaurna people across the plains have had a number of community representatives and organisations in a whole range of areas dealing with heritage and development matters, and local government bodies are now starting to look to the leadership within communities to engage them in reconciliation programs. In the case of local government areas in the south and in the metropolitan area, they are interested in discussing a wide range of matters. However, they have had trouble in engaging a single point of contact, which they now have. The Kaurna groups, including the Kaurna Meyunna, Kaurna Aboriginal Community Heritage Association (KATCHA), Kaurna Elders, Kaurna Yerta and other Kaurna community representatives, are getting together to form one single body.

This has proved very difficult over time, but this government has encouraged not only diversity but also unity when it comes to dealing with government and local government in addressing some of the broader issues within local communities to get single agreements, where they can occur, and, if necessary, multiple agreements, and we encouraged the Kaurna groups to form one negotiating body, or discussion bodies, for that to occur. This has now happened.

The Kaurna people took a major step in signing an agreement that preserves the individual character of each organisation whilst endorsing a board to provide one focus for negotiations to protect and nurture the unique heritage and culture. It has brought all those Kaurna people together in one place for those negotiations, and they have eliminated a lot of the differences that existed between them. In dealing with the matter at a personal level, I have found that a lot of those differences were fostered by groups, organisations and individuals almost as if it was a case of divide and rule. Hopefully, that will not be the situation from now on. Just as we brought the Iga Watta, Nepabunna and Mount Dare people together, we hope that, with the five organisations covering the Kaurna plains and hills people, we will be able to work with these groups within a unity agreement to facilitate a whole range of communicative meetings and programs that will bring about a unified position before reaching agreement on a wide range of matters.

I congratulate the cities of Holdfast Bay, Marion and Onkaparinga and the District Council of Yankalilla for the work they have put in: it is good to get the cooperation that has been provided by these councils. We are starting to put together programs with the Coorong, Lake Alexandrina and other councils in and around the Coorong and lakes areas, and we are certainly well advanced in other areas of the state in getting local government to work closely with local organisations and the state government. I congratulate the local government organisations which have worked patiently with local groups to get the results they have, and I would hope we will now be able to go to the next stage to—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Is there anyone the honourable member wants me to note particularly? I hope that we can now go to the next stage to get the unity of purpose we require around the table to get those outcomes required to advance the position in which many Aboriginal people in this state find themselves.

HEAVY VEHICLES, YORKE PENINSULA

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport and Urban Planning, a question regarding heavy vehicles on Yorke Peninsula.

Leave granted.

The Hon. SANDRA KANCK: A report in the Yorke Peninsula's *Country Times* dated Tuesday 21 October (and accompanied by photographs of road break-ups and potholes created by frequent heavy traffic) labelled the main coast road between Ardrossan and Port Giles as 'a recipe for disaster'. Running down the eastern side of Yorke Peninsula, this road is used heavily by trucks (including road trains and B doubles) to transport grain to Port Giles, bypassing all towns except Pine Point. Locals estimate the number of heavy vehicles passing through Pine Point as upwards of 400 a day, with the vehicles travelling on the roads between 5.30 a.m. and midnight.

There have been reports of persistent speeding and use of exhaust brakes well into the night. As a consequence, visitor numbers to the Pine Point Caravan Park have declined as patrons cannot tolerate the noise and speed of the vehicles, which are also operating during school holidays. In response to local criticism, Transport SA has merely stated that it will continue to monitor the conditions and safety of the road. My questions are:

1. Given the frequent heavy traffic on the Ardrossan to Port Giles grain route and the probable increase of heavy transport vehicles once the redevelopment of Port Giles is completed, does the minister believe that the current road infrastructure is adequate to provide safety to all who use the road?

2. Given that a total of 523 kilometres of arterial roads on Yorke Peninsula now have a reduced speed limit of 100 km/h, why does the minister not consider it fit to reduce the speed limit along the main coast road to 100 km/h due to the high levels of heavy traffic, potholes and break-ups in the road?

3. As heavy vehicle bypasses have been implemented at Wool Bay and, more recently, Wallaroo, will the minister investigate the possibility of a heavy vehicle bypass for the town of Pine Point?

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

PARLIAMENT HOUSE, SECURITY

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about the security of Parliament House.

Leave granted.

The Hon. A.L. EVANS: On 14 October last year Professor Margaret Tobin was tragically shot in the building in which she worked. Soon after, the Premier ordered a review of security of all state government buildings. I understand that as a result of the incident and the subsequent review there was a dramatic improvement in the security of all state government buildings. Given the current attention being given to activities involving bikie gangs in our state and warnings about Al Qaeda that Australian targets are under continuing threat, my questions are:

1. Would the Premier advise the current security standards and procedures in Parliament House in relation to public access areas to ensure that members of parliament, staff members and others who work in the building are being provided with a safe and secure workplace?

2. Does the Premier believe that these standards and procedures are adequate?

3. Would the Premier advise whether it is a current practice for members of parliament, their staff and others who work in the building to be provided with information which outlines the security procedures, particularly in relation to hosting visitors in Parliament House and, if not, why not?

4. Would the Premier advise whether the security of Parliament House was reviewed post 14 October 2002 and, if so, what is the final assessment of the review?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am aware that you, sir, and the Speaker have principal responsibility for the operations of the parliament. Obviously, though, given that security issues have a much wider berth, the Premier will have an interest and, no doubt, will speak to presiding officers in relation to these matters. I would suggest that if the honourable member wishes to gain some understanding of the details about what is undertaken here that would probably best be done not in public but by way of a private briefing. I will discuss with the Premier the general questions and, perhaps, with you, Mr President. Mr President, you might wish to make a contribution, as well as briefing the honourable member privately on the specifics of those matters.

The PRESIDENT: I am sure that this is a subject that is of interest to all members and staff of the council. There has been an ongoing review since what has been referred to as the 'Tobin incident', for want of a better term, and there have been ongoing investigations and in-depth discussions between the Clerks. It is a subject that the Joint Parliamentary Services Committee will be addressing with respect to the response to those investigations.

My preferred position at this stage is to provide a private briefing to members and perhaps staff. Because they are matters of security—and I am aware of the issues that the Hon. Mr Evans raised in his explanation—and because there is probably some reason for concern, that is probably the best way to proceed at this stage. The minister has undertaken to refer the honourable member's question to the Premier, as he is duty-bound to do. Between the Premier and the Joint Parliamentary Services Committee, we hope to be in a position to provide a better standard of security in the very near future. That is as much as I am prepared to say publicly at this stage.

DAUGHTERLESS CARP

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about daughterless carp.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that work is well under way on the daughterless carp program, which was launched earlier this year. Daughterless carp technology was developed by the CSIRO, and it aims to control carp through biasing sex ratios towards males. With fewer females in the population, it is predicted that this genetic technology could sharply reduce the numbers of carp in the Murray-Darling Basin within 20 to 30 years of its release.

The program is part of the Murray-Darling Basin Commission's native fish strategy. While the program is in an area of relatively high risk research, the possible benefits of such an innovative method of invasive species control warrants further development. This initiative is supported by the National Carp and Pest Fish Task Force, which is an arm of the Murray-Darling Association for Conservation and Sustainable Development.

The task force has developed a communication strategy to ensure that the Murray-Darling Basin community is well informed about the research and the anticipated implications. A three-day national carp control workshop held in Canberra earlier this year assisted the establishment of the daughterless carp reference group, which was formed to oversee and advise the Pest Animal Control Cooperative Research Centre in its coordination of the research program. The reference group included a range of representatives of relevant industry, government and semi-government bodies from across most of the country, as well as New Zealand. My questions are:

1. Is the research taking place through the daughterless carp program supported by the minister and PIRSA fisheries?

2. Given that the initial list of daughterless carp reference group members did not include any South Australian representatives, has any action been taken to rectify this situation to ensure that our state has some input to this advisory body?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am certainly aware of the existence of the daughterless carp program. It has been around for some time, and it could have enormous benefits, if it were to be successful. I understand that the program does have the support of the Murray-Darling Basin Commission and, of course, South Australia would be a contributor through that. However, in relation to exactly what the linkages are and what tangible support, if any, is provided through this state, I will take the question on notice and get back to the honourable member.

RURAL ROADS

The Hon. D.W. RIDGWAY: 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 rural road speed limits.

Leave granted.

The Hon. D.W. RIDGWAY: In a press release dated 25 June 2003, entitled 'Some open road speed limits to return to 100 km/h to help save lives', the Minister for Transport

announced that the speed limit on 1 100 kilometres of the state's rural arterial road network will be dropped from 110 km/h to 100 km/h.

The minister then went on to say that a lowered speed limit would help to save lives. The areas effected by the speed limit reductions are: the Barossa, the Fleurieu Peninsula, Kangaroo Island, Main North Road, the Mid North, the Riverland, the River Murray, the South-East and Yorke Peninsula. I have a complete list here for *Hansard* to cover all those roads but it will save time if I do not read those names now. My questions are:

1. Will the minister provide details of why these specific sections of road have been targeted for the speed limit reduction? Is it a safety or an engineering problem?

2. Will the minister provide evidence on the effectiveness of the speed limit reduction in the light of the state's increased road toll—134 compared to 121 at this same time last year?

3. Will the minister reveal whether the government has any plans to fix the problems on these roads so that they can again be used at 110 kilometres; if so, when will these improvements occur and at what cost, and when will the speed limit on these roads be reinstated?

The PRESIDENT: The Hon. Mr Ridgway, you talked about some statistical tabulation. You will need to seek leave to have that inserted into *Hansard*.

The Hon. D.W. RIDGWAY: I seek leave to have inserted in *Hansard* the names of all the roads listed in the press release by the minister dated 29 June 2003.

The PRESIDENT: Is it statistical?

The Hon. D.W. RIDGWAY: No, it is just a list of roads.

The PRESIDENT: If it is not statistical, you cannot put it in. Leave is not granted.

The Hon. D.W. RIDGWAY: Mr President, I seek permission to read the list into *Hansard*.

The PRESIDENT: You have concluded your question. We will need to do it on another day at another time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions without the backup detail to the minister in another place and bring back a reply.

REPLIES TO QUESTIONS

DEPRESSION

In reply to **Hon. A.L. EVANS** (25 September).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. It is not possible to provide even an estimate of the numbers of infants and children up to the age of five years who may be being treated for depression. In South Australia, specialist mental health clinicians generally take the view that problems resembling depressive symptoms in children of less than five years are usually representative of systems problems in the child's family or wider environment.

It is also difficult to determine how many infants and children may have depression because most presentations are to family practitioners and paediatricians.

2. There are no statistics reporting the number of infants and children diagnosed with depression. In the last financial year 2002-03, the public specialist child and adolescent mental health services treated 251 children aged less than 5 years. Some of these may have presented with signs of depression but none were confirmed with a diagnosis.

3. The range of treatments provided to infants presenting as depressed is as varied as the problems and circumstances in which they manifest. A comprehensive assessment of biological, psychological and socio-cultural factors in the family system are explored, issues identified and management plans made for treatment. Types of therapy used include parental support and guidance, play therapy, parent-infant therapy, family therapy, and social support including groups for parents, home visiting, and other environmental supports. Advice from senior psychiatrists reinforce that medication is never prescribed for depression of an infant and would be very unlikely prescribed for a child under five years.

DEMENTIA

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

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. Funding and resources currently being spent in the area of support services for sufferers of dementia, including the families of sufferers, comes through the Home and Community Care (HACC) funding.

The HACC program funds some dementia specific programs, as well as many generic programs. The total HACC funding in South Australia now amounts to $102.362 million, a 7.7 per cent increase over last year.

The HACC Minimum Data Set does not specifically identify the number of clients with dementia or their carers. However, it is anticipated that a significant number of 'frail aged' HACC clients would have a range of dementia symptoms and be receiving HACC services such as centre-based day care, domestic assistance, personal care, home help, allied health, transport and social support through the mainstream programs while their carers would receive respite services.

Included in the overall HACC funding is a range of dementia specific programs, such as:

- the 'Living Alone with Dementia' program ($307 400 per annum) in the southern metropolitan region which provides flexible support services to 80 people with dementia living without a primary carer;
- the 'Early Dementia Linkworker' program ($100 000 per annum) in the northern metropolitan region which provides local early intervention support and information to people who have had a recent diagnosis of early stage dementia, and their families;
- the 'Multicultural Dementia Respite' program ($483 000 per annum) run by Metropolitan Domiciliary Care Services in the eastern and western metropolitan regions which provides in-home respite and day care.

HACC funding is also provided to Alzheimers Australia SA ($669 200 per annum) to provide information, education, counselling and other dementia services to sufferers of dementia, including their carers.

2. It is not possible to specifically identify the level of HACC funding allocated to a specific disability group including sufferers of dementia. Using HACC Minimum Data Set figures, the approximate level of HACC funding per South Australian client in 2002-03 was $1 247 per annum.

The proposed 'Dementia Framework for South Australia 2003-07' is currently being drafted by the Department of Human Services (DHS). This is being done in partnership with the following key stakeholders:

- the Commonwealth Department of Health & Ageing;
- the Alzheimers Australia SA; and
- the Repatriation General Hospital's Division of Rehabilitation, Aged Care and Allied Health.

Once the draft Dementia Framework is completed, it will go out to many service providers, carers, consumers and other interested community groups for consultation and feedback to ensure that it adequately addresses current issues and future needs.

It is anticipated that the final Dementia Framework document will be launched in March 2004. It will outline specific goals for dementia services for the next five years in South Australia by articulating a vision of improved service responses to people with dementia and their carers.

ASYLUM SEEKERS

In reply to **Hon. SANDRA KANCK** (24 September).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

The Charter for South Australian Public Health System Consumers provides service commitments to meet the rights and needs of individuals using the public health system. The rights to privacy, confidentiality, and courteous care (including to be treated with

dignity and consideration and have ethnic, cultural and religious practices and beliefs respected) are protected. All patients of the health system are extended the rights and responsibilities detailed in the charter.

Patients may elect to have total privacy and confidentiality attached to their hospital admission using a hospital process of 'information constraint'. This means that their name does not appear on the list of admitted patients and the patient does not receive visitors, deliveries or telephone calls. If a patient requests total privacy the hospital must, in meeting their duty of care, respect and protect this wish and keep knowledge of the patient's presence in the hospital confidential.

The allegations regarding the treatment of well-wishers of a pregnant asylum seeker who was hospitalised in the Women's and Children's Hospital (WCH) in August generated a number of complaints. People who complained were not aware that the patient herself requested not to receive visitors or be contacted. Misunderstandings were created when hospital staff attempted to protect the patient's privacy.

An investigation of the August incident was conducted by the Department of Human Services in collaboration with the WCH Consumer Complains coordinator. The investigation found that the request for total privacy was the patient's personal wish and was not influenced by the Commonwealth Government or her status as an asylum seeker in immigration detention.

Unfortunately misunderstandings arose in managing the patient's August admission. Well-wishers, aware of her transfer but not of her request for total privacy, did not understand that hospital staff were complying with the patient's wishes.

If a patient requests not to have visitors and visitors ignore that request and attempt to find the patient, hospital staff have no alternative but to request those visitors to leave, even when those visitors are well-intentioned. Security and reception staff are not able to ascertain or judge a visitor's intentions and must regard the stated wishes of the patient before the wishes of a visitor.

To avoid future misunderstandings it is proposed that if this patient is hospitalised again and elects not to have visitors, hospital staff have resolved to confirm to well- wishers that she is in the hospital and agree to pass on messages and flowers.

The Minister for Health is not a party to any relevant Memorandum of Understanding with the Department of Immigration, Multicultural and Indigenous Affairs.

BUS STRIKE

In reply to **Hon. T.J. STEPHENS** (24 September).

The Hon. T.G. ROBERTS: The Minister for the Southern Suburbs has advised:

1. As a Member of Cabinet, I am aware of the issues associated with recent bus strikes and have discussed them with the Minister for Transport.

For further information about my responsibilities as the Minister for the Southern Suburbs, the Honourable Member may be referred to the grievance contribution in the House of Assembly on 30 April 2003 as follows:

Extract from Hansard:

HOUSE OF ASSEMBLY
2nd Session of the 50th Parliament
30 April 2003 page 2835-2836
Grievance Debate
MINISTER FOR THE SOUTHERN SUBURBS

The Hon. J.D. HILL (Minister for the Southern Suburbs): I rise for the first time as a minister to use grievance time, and I apologise to whichever of my colleagues lost their opportunity this afternoon to speak in this debate. But I thought it was important that I should put on the record as soon as I could a little bit of information about what it means to be the Minister for the Southern Suburbs and the nature of the role that I have, because over the last couple of days a number of questions have been put to me that are clearly within the province of other ministers-and I note that a couple of questions also have been asked along those lines in the other place.

I want to point out to the house that being made the Minister for the Southern Suburbs does not create the principality of the southern suburbs over which I, as emperor, or mini premier, reign.

Mr Caica interjecting:

The Hon. J.D. HILL: What a shame, as the member for Colton said. But it does not work on that basis. I am not the minister for everything that happens within those boundaries.

The Minister for Industrial Relations is still the Minister for Industrial Relations; the Minister for Transport is still the Minister for Transport; and the Minister for Industry, Investment and Trade is still the Minister for Industry, Investment and Trade in those areas. Obviously, they need to take a primary role in relation to those matters. The member for Mawson is probably being a little cute by asking me questions about what I have done in relation to transport, industrial relations or industry in the southern suburbs. Clearly, it is not my responsibility to answer those questions, and they will always be referred to the particular minister of the day.

Let me explain to the member for Schubert and others a little about my role. My job is to try to coordinate a whole of government approach to issues in the southern suburbs. It is partly a coordinating role, and it is partly facilitating access to government for local councils and community groups. In fact, that is what I have been attempting to do as the Minister for the Southern Suburbs with a small office and a budget of about $400 000 to $450 000 a year. It is not my job to get into the complexities of each of those issues, because I do not have the staff or expertise to do that. It is my job to advocate for the south and to ensure that there is coordination of effort at a local level.

In relation to the Mobil issue, over the past number of years that I have been a member, and even before then, as a minister I have met many times with the chief executive and others from Mobil. I have visited the plant on a number of occasions. I have been out in their boats on a number of occasions. I went to the football with the chief executive on one occasion. I have had plenty of conversations with Mobil about the needs of Port Stanvac and taken on many of the issues and concerns they have raised. I am not aware of the exact number of contacts we have had in the past 12 months, but I have had contact. I recall a meeting with the chief executive in relation to the plant.

To the best of my knowledge, Mobil had not sought to meet with me prior to its decision to close its operations, nor had it sought support from me in relation to that decision. However, it did call a meeting of local members following the announcement of its decision to stop production at the plant. As I was attending a ministerial council meeting interstate, I sent two of my staff to that briefing. It is interesting to note that at the briefing, I am advised by my staff, the member for Mawson tried to get the chief executive of Mobil to suggest that the plant was closing because of some failure on the part of the Rann government. To his credit, Mr Henson rejected that proposition and said that it was because of international forces. Even if I had a dozen conversations with Mobil about its particular problems, there is nothing I or the government could have done to solve the problem, because it was outside the control of this state. That is what Mobil is saying: that is not just what I am saying.

In addition to the attendance by my staff, my office has been liaising with the City of Onkaparinga, and I have had a number of meetings-at least two meetings-with the Mayor and City Manager about this issue-and I will continue to meet. Also, the head of my office in the southern suburbs is represented on a working group set up by the Treasurer. We are involved in the process. We will continue to work hard on the process to get a good outcome for the southern suburbs in relation to the site and the problems caused to the southern suburbs as a result of the termination of production at that site.

I point out to the member for Mawson, and any other members who decide it is a clever tactic to ask me questions, that it is a silly exercise and I suggest that they quickly direct issues to the appropriate minister.

ABORIGINAL AQUACULTURE DEVELOPMENT

In reply to **Hon. J.F. STEFANI** (23 September).

The Hon. T.G. ROBERTS: The Minister for Employment, Training and Further Education has advised:

With regard to how many students from Aboriginal background are undertaking studies at Roseworthy College, which is part of the University of South Australia; and what courses are they undertaking at that college:

- 2003 enrolments at Roseworthy Campus at the University of Adelaide indicate that there were no students who identify as Aboriginal or Torres Strait Islander enrolled in programs offered at Roseworthy;
- the most recent Aboriginal Torres Strait Islander student graduated from Roseworthy in 2002 with a Diploma in Agricultural Production;

· students of Aboriginal or Torres Strait Islander descent wishing to undertake programs offered at the University of Adelaide can apply for entry through the Aboriginal and Torres Strait Islander Access Program administered through *Wilto Yerlo*, The Centre for Australian Indigenous Research and Studies (CAIRS).

MENTAL HEALTH

In reply to **Hon. R.D. LAWSON** (22 September).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. If a person is committed to custody under Part 8A Section 269O of the Criminal Law Consolidation Act 1935, the Court determines the nature of the order, e.g. length, special conditions. The person is then in the custody of the Minister for Health who exercises supervisory responsibility through the operational management of the Royal Adelaide Hospital. If a person is released on licence either into the community or to an open ward on Glenside Campus as a lessening of security resulting from the Court varying the original detention order, the responsibility for supervision is shared between the Parole Board and the Minister for Health.

The Minister for Health is responsible for the treatment and monitoring of the person's mental condition. This responsibility is discharged through Community Mental Health for those persons residing in the community and through the operational management of the Royal Adelaide Hospital for those persons on licence but in institutional care. Supervisory responsibilities for all other aspects for persons on licence are exercised by the Parole Board through Community Corrections as their agent.

The supervision of the mental health of prisoners in prisons occurs through the Prison Health Service which is an operational service of the Royal Adelaide Hospital. For those persons who require specialist mental health intervention this is provided by the Forensic Mental Health Service which operates as an outreach from James Nash House. Should a person require acute mental health services this would normally be provided in James Nash House.

2. For those persons in the custody of the Minister for Health, the policies and procedures relating to the supervision of these persons in James Nash House and on Glenside Campus are progressively reviewed as required. A number of recent incidents with persons subject to supervision on Glenside Campus have provided an opportunity to further update the capacity of Glenside Campus to provide appropriate supervision and monitoring arrangements. The new Director of Mental Health Services, Dr Jonathan Phillips, will be working closely with the management of Glenside Campus and the Royal Adelaide Hospital to ensure that those reforms that are necessary to entrench a process of continuous improvement in the delivery of supervisory services are implemented.

LABOR PARTY RAFFLE

In reply to **Hon. R.I. LUCAS** (17 July).

The Hon. T.G. ROBERTS: The Minister for Gambling has advised:

1. This was a matter for the Commissioner for State Taxation which he has now referred to the South Australia Police.
2. As per question 1.
3. As per question 1.
4. As per question 1.

In reply to **Hon. R.D. LAWSON**:

The Hon. T.G. ROBERTS: The Minister for Gambling has advised:

1. No.

In reply to **Hon. CARMEL ZOLLO:**

The Hon. T.G. ROBERTS: The Minister for Gambling has advised:

1. If any member of the public and/or this place has any information about instances of non-compliance then I encourage them to forward that information to the relevant authority.

MORRIS, Ms A.

In reply to **Hon. A.L. EVANS** (16 July).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

Ms Anne Morris was employed at the Northern Metropolitan Community Health Service to assist with the maternal alienation project. Her employment ceased on Friday 17 July 2003.

I am advised Ms Morris is the person referred to in the 15 April 2000 Sydney Morning Herald.

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

In reply to **Hon. A.J. REDFORD** (26 May).

The Hon. T.G. ROBERTS: The Minister for (Gambling) has advised:

In reply to questions raised by the Hon. A.J. Redford.

1. I understand exactly where my leader is coming from. I draw members' attention to the table I incorporated in Hansard two weeks ago which outlined the number of machines that were not installed, and this would have been in about December 2000. My reading of the document is that 686 machines had been approved but not installed. A further 172 machines were at venues that were under suspension. A further 180 machines at what I would call hotel venues had certificates granted pursuant to section 59. Applications were lodged in relation to 170 machines and, for premises described as non-live venues, some 295 machines were outstanding. That would indicate that of the order of 1 300 machines were not operating at the time the freeze was legislated. I and I am sure the Hon. Robert Lucas would be interested in knowing the position in respect of each of those categories.

The figures that I have been given, working off the same sheets as the honourable member had in front of him, are that the number of machines approved in the venues was 14 931 and the number of machines actually installed was 14 865. That left 66 that were not installed. An application has been made and granted for 40 of those at Copper Cove at Wallaroo, and I would think they will be dutifully installed. For those which have not reached their final total of 40, some 26 machines are still to be installed, having been approved.

Can you give us a list of licensees in respect of those?

The total of 66 machines not installed did not include the 40 for Copper Cove at Wallaroo, the licences were as follows:

Renaissance Tower	26
Sevenhill Hotel	20
Hahndorf Old Mill	7
Leonard's Mill	1
AAMI Stadium	10
The Palace	2
	66

There have been some 14 931 approvals and 14 865 have been installed. My recollection is that at the time of the original debate the advice given to the council was that there would be slightly above 15 000 approvals. Are there any applications which did have approval, which were not installed and which the commissioner has revoked as a result of the process the Hon. Mr Xenophon has requested? That is, is there any example of someone who had approval and did not have them installed? They got approval for 40 or whatever the number happened to be, the commissioner went through the process and said, 'You're not serious; we are now taking away your approval for 40,' and either substituted another one or took it away completely. Are there any examples of that and, if there are, what is the total number of machines that have been removed through that process?

There were 686 machines which were described in the statistics as venues that have not installed the total number of approved machines.

Approvals for 46 of the 686 machines were revoked. The 46 machines were in respect of 7 licences.

There were 295 machines in 14 venues which were described in the statistics as 'non-live venues' i.e. venues that had not operated at all.

One licence for 10 machines was revoked.

Of the 686 machines described in those statistics as venues that have not installed the total number of approved machines, will the minister advise how many were, in fact, installed?

640 machines have since been installed. Approvals for the 46 remaining machines were revoked either on request by the licensee or by the commissioner.

In relation to gaming venues under suspension (there is a list of 172 machines), how many of those were reinstituted into the system and how many were lost from the system?

92 machines have been installed, 80 machines (2 venues) remain suspended.

In relation to certificates granted under section 59 of the Liquor Licensing Act (of which there were said to be 180), how many of those were installed and how many lapsed?

All 180 machines were installed.

In relation to the item headed 'Proposed premises—application for liquor and gaming lodged' (of which there were said to be 170), how many of those were installed and how many lapsed?

Ten machines (1 venue) have been installed. 3 applications totalling 120 machines were subsequently withdrawn. 1 application (Copper Cove Marina) for 40 machines is still pending.

The grant of the gaming machine licence for the Copper Cove Marina is dependent on the grant of a hotel licence under the Liquor Licensing Act. The liquor application has been adjourned until 20 October 2003.

In relation to the category headed 'Non-live venues' (in respect of which there are said to be 295 machines installed), how many of those were installed and how many lapsed?

285 machines were installed. The grant of one licence with approval for 10 machines was revoked by the Commissioner because the licensee failed to comply with the conditions of approval.

In relation to the 26 machines, will the minister advise us of the licences in respect of each of those machines and when they are due to expire?

I believe the honourable member is referring to the 66 machines which have been approved but not yet been installed. (The figure of 66 did not include the 40 machines at the Copper Cove Marina as this application has yet to be granted).

They refer to the following venues:

Renaissance Tower	26
Sevenhill Hotel	20
Hahndorf Old Mill	7
Leonard's Mill	1
AAMI Stadium	10
The Palace	2
	66

None of the licences are due to 'expire'.

Since the honourable member asked his question, the Renaissance Tower licence was suspended pending a decision on the removal of the liquor and gaming licence to another site.

In relation to the Sevenhill Hotel, an order has been issued giving the licensee a period of time (30th September). within which the machines must be installed and that failing this, disciplinary action may be initiated which may involve revocation of the approval for the uninstalled machines.

In relation to the Leonard's Mill, an order has been issued giving the licensee a period of time (31st October). within which the machines must be installed and that failing this, disciplinary action may be initiated which may involve revocation of the approval for the uninstalled machines.

In respect of the remaining machines I provide the following explanation:

The numbers provided to this Parliament represent a snap shot at a particular point in time where the number of machines connected to the central monitoring system at that point in time are totalled.

Machines are regularly disconnected from the monitoring system to facilitate the changing of old for new machines and/or games or movement of machines where a licensee is refurbishing or altering the layout of the gaming area.

As at the time this snap shot was taken, the remaining 20 machines had been disconnected from the monitoring system either pending installation of a replacement new machine which occurred either later the same day or on the following or subsequent days or to facilitate a change in gaming area layout. All 20 machines have since been reinstalled.

At any point in time, machines may be removed from a venue in anticipation of a replacement machine. Holders of gaming machine licences are entitled to buy and sell machines within the maximum approved on the licence. As it is an offence to possess more than the approved number, if a licensee purchases a new machine, he or she must necessarily remove a machine before a new one can be installed.

Machine movements such as this occur regularly and are closely monitored by the Commissioner to ensure that machines are replaced within acceptable timeframes.

Since December 2000, what extensions have been granted regarding the installation of machines in respect of premises, the date on which the extension was granted, the date to which the extension was granted, and the reasons why each extension for the installation of machines was granted?

The Commissioner has unqualified discretion to grant an application on any grounds that he sees fit. The Commissioner can also impose any conditions he sees fit and vary or revoke those conditions.

Extensions were granted by the Commissioner for a number of reasons and were dependent upon the individual circumstance of each licence holder.

Reasons for granting an extension include:

- renovations not being completed on time (which were outside of the control of the licensee)
- transfer of the gaming machine licence prior to the date of installation (the Commissioner allowed the new licensee reasonable opportunity to install the gaming machines approved under the licence).

In reply to **Hon. NICK XENOPHON** (26 May).

How many machines were outstanding in terms of those that were approved but not yet installed at the time a freeze was first put in place at the end of 2000?

The Hon. T.G. ROBERTS: As at 6 December 2000, approvals for 1351 machines had been granted by the commissioner but were not yet installed.

Will the minister say to what extent the conditions relating to the installation of machines (referred to on that occasion and on 9 November 2000) were complied with, or were they varied in some way? For instance, if there was a condition that the machines had to be installed by a certain date, was that condition complied with or was it varied in some way to allow for the subsequent installation of those machines and, if so, what was the reason for that?

The extent that conditions were complied with varied between each licence. The Commissioner has unqualified discretion to vary the conditions depending on the circumstances of each case.

In general, if the conditions were not met to the Commissioner's satisfaction, the approval for the additional machines (or the gaming machine licence itself) was revoked.

Alternatively, the conditions were varied if the circumstances were such that this course of action was warranted.

The most common reasons for varying the conditions include:

- renovations not being completed on time (which were outside of the control of the licensee)
- transfer of the gaming machine licence prior to the date of installation (the Commissioner allowed the new licensee reasonable opportunity to install the gaming machines approved under the licence).

NUCLEAR WASTE

In reply to **Hon. R.D. LAWSON** (16 July).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

In answer to the question without notice asked by the honourable Robert Lawson on 16 July 2003 I advise that in a ministerial statement to the House of Assembly on 15 July 2003 the Premier stated that the South Australian Solicitor-General had advised that there are proper grounds on which to challenge the acquisition of the land to be used for the dump by the Commonwealth in the Federal Court under the Administrative Decisions (Judicial Review) Act 1977. The Premier was not referring to a High Court challenge.

The Premier went on to refer to advice from the Crown Solicitor that all work relating to the legal challenge in the Federal Court will be performed by salaried staff in the Attorney-General's Department and by the Solicitor-General. While the Crown Solicitor does charge some agencies for legal services, it is not and has never been the practice to charge core government agencies for work of the type involved in this challenge. Thus, the Premier correctly stated there will be no additional costs apart from ordinary court fees estimated at $2180.'

The Minister for Environment and Conservation has provided the following information:

As the chamber failed to support the Public Park Bill 2003 to create a public park on the Arcoona and Andamooka pastoral leases, it is not necessary for roads or infrastructure to be established, nor to defend any legal action by the Pobkes.

In reply to **Hon. J.F. STEFANI** (16 July).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

In answer to the question asked by the Hon Julian Stefani concerning the GST, I have been advised by the Crown Solicitor that Federal Court fees are exempt from the GST.

CHILDREN AT RISK

In reply to **Hon. A.L. EVANS** (28 May).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. Why did the department refrain from acting to protect children when it became aware of pedophiles targeting children under the care of the minister in the instance cited by the review?

The matters reported to Robyn Layton QC by the Noarlunga office of Family and Youth Services (FAYS) are being examined by the Department of Human Services.

Adolescence is a critical developmental transition point and can be particularly challenging for many young people. For some young people it can lead to situations where risk taking becomes dangerous particularly for those young people who come from unstable or abusive family backgrounds. These young people tend to have significant behavioural or emotional difficulties and may spend time in residential care facilities.

Sexual offenders are often very calculating in their approach and may groom young people through gifts, offers of support or friendship. They may engage a young person in sexual acts by showing them pornography or giving them drugs or alcohol. The perpetrators often select children who have been victims of past abuse or are already particularly vulnerable targeting children with low self-esteem or those with high needs.

If a young person becomes 'entrapped' in this type of situation it may be very difficult for them to tell someone in authority what is happening. People in authority may suspect what is happening but have no evidence to act upon. This is a very disturbing and difficult situation. However, when a child or young person discloses sexual abuse it is given a high priority and dealt with by an interagency approach involving the Police, FAYS and the hospital based Child Protection Services at either Flinders Medical Centre or the Women and Children's Hospital.

Recognising the importance of child protection, the Government commissioned a review of child protection in South Australia resulting in the comprehensive and high quality Layton report, which highlights a number of areas for improving the protection of children and young people both within the family environment and the community. The issue of sexual abuse was identified amongst others, as one that needs stronger mechanisms in place for protection and safety.

The report contains comments from a variety of agencies and individuals who are very concerned about persons who sexually offend against children. The report recommends a number of changes for improving responses for children and young people who are at risk from sexual perpetrators including:

- early intervention and preventative strategies;
- structural mechanisms to enhance coordination and collaboration across the system;
- changes to legislation to enable greater numbers of perpetrators who have offended against children to be brought before the Courts, and
- specific legislation to ensure that people who are convicted or found to be 'unsuitable' to have contact with children are placed on a register.

The Government is committed to setting up a Paedophile Register to be operational by the end of the year. We will introduce a Child Protection (Offender Registration) Bill which, if passed, will allow the register to be established and will define what categories of offences and restrictions will apply.

The proposed register will:

- Require mandatory registration of people convicted of child murder, serious assault and child sexual offences;
- Increase offender information available to police through registration, and
- Tighten offender travel reporting requirements.

One of the problems that currently exists is that it is difficult to prevent paedophiles being near places where children and young people locate and keeping track of their movements. If passed, this legislation will enable greater monitoring of paedophiles and has the potential to allow restrictions to be placed on persons convicted of such offences on residence and activities involving contact with children.

At a national level the development of a model national register is being considered by the Australian Police Ministers' Council and has also been tabled for discussion at the next Community and Disability Services Ministerial Council in Perth.

This national problem is being addressed by the development of consistent and coordinated responses not only within South Australia but across state borders, so that persons who prey upon children can be tracked wherever they are, with care taken not to export paedophiles to improve community safety. A paedophile register does not solve the entire problem, as all organisations working with children need to be vigilant and to establish good working practices and employment processes that protect children.

2. Can the minister give unqualified assurance that a child under the protection of the department is sufficiently protected from encountering a person who would seek to harm that child? If so, what measures are in place?

The Government has moved to establish a Special Investigations Unit, outside of Family and Youth Services, with responsibility for investigating allegations of abuse in foster care as well as Residential Care Units and Secure Care. The establishment of the Unit shows this Government's commitment to fully and appropriately address any allegations of abuse for children and young people under the care of the Department.

Child sexual abuse is a highly complex and damaging social problem. Protecting children and young people requires broad commitment from a range of agencies, individuals and the community. It requires the right mix of legislation, structural mechanisms and services. Robyn Layton QC has given the Government an overall framework to build on which will take time. We must therefore be prepared to work together across government, non-government, religious and sporting organisations to develop partnerships for tackling this insidious and serious threat to children and young people. The community is rightly concerned and can be reassured that the Government is committed to addressing this concern.

FINES ENFORCEMENT SCHEME

In reply to **Hon. R.D. LAWSON** (15 July).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

Since the introduction of the Fines Enforcement Scheme, the Courts Administration Authority, and in particular the Magistrates Court Division, has continued to review collection and enforcement activities and processes, although no formal review has been conducted. The number of fines being referred to the unit has increased from 121 000 per annum to 175 000 per annum in the three years of operation. The overall collection rate for outstanding fines has increased from 52 per cent in 1999-2000 to 63 per cent in 2003-2003, and the average monthly revenue collections has increased from $2.1 million to $2.7 million.

I would like to provide some clarification on the $95 million outstanding. One of the major challenges faced by the Fines Payment Unit is in locating outstanding debtors. As at July, 2003, about $43 million of the total outstanding was recorded as 'unlocated'. When the legislation was introduced in the year 2000, the issue of warrants for imprisonment was abolished. This has reduced the contact with clients, as Police on patrol no longer have information on outstanding fine defaulters. The Fines Payment Unit is doing a number of things to try to overcome this. Discussions with SA Police have begun for court enforcement officers to attend road traffic campaigns and perform fines checks on drivers when driver's licence and roadworthy checks are made. This will increase the contact between court officers and the public outside a court registry environment.

A data-matching program has been approved in consultation with the Privacy Committee of South Australia to match data with SA Police, South Australian Housing Trust, Department of Consumer Affairs Tenancies Branch and Births, Deaths and Marriages, the Department for Correctional Services and the Department of Transport and Urban Planning, Marine Group. The data-matching project begun in October, 2002, with SA Police and Tenancies Branch.

To date there have been about 400 matches and the Fines Payment Unit has been in touch with 144 clients who had previously been listed as unlocated. As a result of contact with these clients, the Fines Payment Unit has finalised $52 000 in outstanding fines. The current matching program is by no means perfect. The Fines

Payment Unit has been working with Microsoft to develop systems to enable the expansion of the program and to reduce delays in matching data. A prototype of the data transfer system has been designed and will be brought into effect in the second half of 2003.

The Fines Payment Unit is yet to implement a write-off policy for fines where the debtor cannot be located. It intends that all current outstanding fines are matched with other databases before any decision is made to write then off. In the current system there is $22.8 million in fines that are more than five years old and the age of these debts make them difficult to recover.

In answer to your question on the proposal made by Professor Freiberg, current State legislation allows for the issue of a garnishee order. The Fines Payment Unit has issued eight garnishee orders since the introduction of the new scheme. The Unit is reliant on clients providing details of bank accounts, employment and any information about money that is owed to them by a third party. This information is difficult to gain, as many clients will not provide this information when being assessed. Where a client is employed and has provided details of employment, the Fines Payment Unit will use this enforcement process to recover outstanding fines due for enforcement. At this stage, no discussion has been undertaken with the Taxation Office about the proposal but the Fines Payment Unit is willing to investigate further opportunities.

In October, 2002, the Fines Payment Unit introduced Centrepay as a payment option for recovering outstanding fines. Access to Centrepay is voluntary and clients can either lodge a form directly with Centrelink or through the Fines Payment Unit. Since the start of the Centrepay option, the Fines Payment Unit has received 59 156 payments totalling $1 683 486.

The Fines Payment Unit has not investigated the possibility of enforcing outstanding penalties with the co-operation of the Department of Foreign Affairs and Immigration for fine defaulters leaving the country.

SOUTHERN SUBURBS, GAS PRICES

In reply to **Hon. T.J. STEPHENS** (28 May).

The Hon. P. HOLLOWAY: The Minister for Energy has provided the following information:

1. Maximum prices apply equally to all metropolitan businesses and residents that use less than 10 terajoules, irrespective of their location. Southern suburbs residents pay the same price as any other metropolitan resident.

The suggestion that users have been subject to gas price inflation of 270 per cent is false.

Maximum gas retail prices apply to all consumers using less than 10 terajoules per year, which encompasses nearly all South Australian gas consumers. Consuming over 10 terajoules of gas would give rise to gas bills up to about $65 000 per year and would only apply to businesses such as large manufacturers, large hospitals, mineral processors and chemical industries. These large consumers, or 'demand' users, have not been subject to Government pricing powers for at least 3 years. Electricity generators that consume gas directly from the Moomba to Adelaide pipeline are excluded from the pricing power of the *Gas Act 1997*.

2. The retail price of delivered gas is made up of 4 components including the price of the natural gas at Moomba, the cost of hauling it from Moomba to Adelaide, the cost of hauling it through the Envestra distribution system and a retail margin. Both sets of haulage charges, which make up the largest cost component, are subject to regulation by independent regulators.

Since Envestra proposed a zonal system in 1999, southern 'demand' consumers have raised with SAIPAR (the regulator at the time, the powers of which were transferred to the Essential Services Commission of South Australia from 1 July). the prospect that they would be required to pay more. After considerable consultation with user groups and southern industry, SAIPAR requested a 5-year transition mechanism to ameliorate any associated price rise for southern and central zone demand consumers. Under the transition approach all consumers are required to pay for reducing the differential between these two zones and the northern zone.

It is important to acknowledge that access to gas pipelines is part of National Competition Policy. The introduction of competition in the retail gas market will see the removal of support by one group of consumers for another. The Minister for Energy's recent gas price decision was an example of this, which saw small and commercial businesses across Adelaide have their tariffs reduced by 5.7 per cent from 1 July 2003. I would hope that most southern businesses would view this price reduction as an example of the Government providing a more competitive business environment.

3. As has already been mentioned, the price for metropolitan residents and small and medium businesses is the same irrespective of location. It is intended under the amended Gas Act 1997 to continue the current price regulation arrangements until the commencement of full retail competition. After that time, price regulation powers will transfer to the Essential Services Commission of South Australia. The amended Gas Act 1997 includes a standing contract that will apply from the commencement of full retail competition to protect all consumers in Adelaide consuming less than 10 terajoules per year. These arrangements also provide for a price justification process which the incumbent retailer is required to undertake. In addition, the Essential Services Commission of South Australia has price determination powers in relation to small consumers that it can apply if appropriate.

POLICE, MOTORCYCLE NUMBERPLATES

In reply to **Hon. T.G. CAMERON** (26 May).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The issue of frontal identification (registration numbers) of motor cycles is on the road safety agenda in all Australian States and Territories.

On 17 July 2002, the Australasian Police Ministers' Council noted that the absence of motor cycle front identifiers was an issue of concern in the context of road safety and policing traffic offences and required actioning. The Council resolved to write to the Australian Transport Council indicating the APMC's support for the introduction of a legislative requirement to display front identifiers.

As a leader in road safety, the South Australia Police (SAPOL) introduced frontal identifying stickers, displaying the registration number, for SAPOL's police motor cycle fleet. The stickers have received positive feedback from the general community.

An anonymous complaint was later made to the Police Complaints Authority who made an assessment and recommendation to the Commissioner of Police indicating that the use of the frontal identifiers did not comply with legislation. The Authority also recommended that SAPOL seek a formal opinion from the Crown Solicitor.

The Crown subsequently advised the Commissioner of Police that it was unlikely that the stickers on the police motor cycles contravened the law. Pursuant to section 34 of the Police Complaints and Disciplinary Proceedings Act, the Commissioner of Police wrote to the Minister for Police on 14 January 2003, requesting that a determination be made. The matter was subsequently referred to the Crown for advice and to the Minister for Transport.

No determination has been made at this time. Transport SA has provided SAPOL with a written opinion on the stickers. That opinion differs from the advice provided by the Crown.

Recent discussions between SAPOL, Transport SA and the Registrar of Motor Vehicles have explored options to resolve this issue. One option is being further examined by Transport SA.

Whilst SAPOL has been reliant on Crown advice, the frontal identifier stickers have recently been covered and will remain so until the issue is resolved.

MEMBERS, SECONDARY EMPLOYMENT

In reply to **Hon. T.G. CAMERON** (18 September).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. The Government does not intend to establish an independent commission against corruption. The current arrangements are presently considered appropriate and adequate.
2. Answered by the Hon. Paul Holloway.

CHILD PROTECTION REVIEW

In reply to **The Hon. A.L. EVANS** (18 September).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

CARE AND PROTECTION UNIT REFERRALS, MEETINGS AND REVIEWS
1998-99 to 2002-03

Year	Referrals	Family Care Meetings	Reviews	Total FCMs/Reviews	Meetings as per cent of Referrals
1998-99	302	174	122	296	58
1999-2000	249	206	227	433	82
2000-01	297	263	150	413	88
2001-02	356	271	42	313	76
2002-03	360	313	62	375	84

The Care and Protection Unit of the Courts Administration Authority advise that the 1998-99 figures may be unreliable because when the figures were gathered some files had not been closed, therefore, the information gathered at the time was not accurate.

GAMBLING RELATED CRIME

In reply to **Hon. NICK XENOPHON** (23 September).

The Hon. P. HOLLOWAY: The Attorney-General has provided this information:

1.& 2. Research for a study on gambling related crime data was commissioned by the Independent Gambling Authority (IGA) in response to a request from the Minister for Gambling that the relationship between problem gambling and crime be investigated in conjunction with the Office for Crime Statistics and Research (OCSAR). The Minister's request included terms of reference for the study.

The Project Brief was based on those terms of reference.

a. The Authority must identify what statistics are presently available in South Australia which deal with, or reflect, the motivations or cause or influences of offences where gambling or gambling related problems form part of that background, including, but not limited to, statistics held by—
   (a) The Office of Crime Statistics and Research
   (b) The Director of Public Prosecutions
   (c) The Department for Human Services
   (d) The Courts Administration Authority
   (e) The Legal Services Commission of South Australia.
b. The Authority must recommend ways in which statistics dealing with or reflecting the relationship between gambling and crime may be collected more effectively.
c. The Authority must collect data concerning the matters set out in clause 1.
d. The Authority must provide suggestions for systematic improvements that could be made in the collection of crime statistics to assist continuing analysis.
e. The Authority must present findings about any relationship between gambling and crime in the form of a report suitable for tabling in Parliament.
f. In carrying out the study, the Authority must have due regard to the protection of confidential information.
g. The Authority must summarise the existing research on the relationship between gambling and crime.

The Terms of Reference were provided by the Minister for Gambling.

3. The IGA has agreed to meet the costs to OCSAR of the study. The initial estimate of this cost was $35 750 (GST inclusive), but additional research identified as necessary by the IGA during the course of the OCSAR's work for the study will add to this estimate.

Staff doing the study included the OCSAR Database Manager and a Senior Research Officer (core staff), as well as a contracted Research Assistant.

4. Although OCSAR is expected to present a draft final report to the IGA at the end of October, the dissemination of the report is the responsibility of the IGA and the Minister for Gambling.

SHEARING INDUSTRY

In reply to **Hon. CAROLINE SCHAEFER** (16 September).

The Hon. P. HOLLOWAY: The Minister for Employment, Training and Further Education has provided the following:

1. Yes.

As the responsible minister for training issues identified by the shearing industry, I requested the assessment because of claims of a shortage of skilled shearers in SA even though $872 000 in State funding has been provided for shearer training over the past eight years.

2. I am satisfied that the assessment has been conducted in line with the terms of reference.

3. The cost of the assessment was $12 000.

CONSUMER SCAM

In reply to **Hon. R.D. LAWSON** (25 September).

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has provided the following information:

1. The Awards Allocation Bureau has recently been brought to the attention of the Office of Consumer and Business Affairs (OCBA) after members of the public inquired about its legitimacy. OCBA has received seven inquiries about the scam since the end of August, 2003.

2. OCBA is warning the public about various scams through its regular radio segments. OCBA has recently re-issued the 'Little Black Book of Scams', which advises consumers on what to look out for and how to avoid scams such as Awards Allocation Bureau. If the number of inquiries escalates, OCBA will issue specific warning to the public about this scam.

3. OCBA has informed the Australian Competition and Consumer Commission of the existence of this scam and their international unit will decide on any further action. OCBA has spoken with its counterparts in the United Kingdom and is awaiting a response on investigations they are carrying out about the scam. It may well be that the address given by the Awards Allocation Bureau is just a stopping off point for the replies and that the replies are then sent to an address somewhere else in the world. This is a common occurrence for many of these types of scams and makes it difficult to track the perpetrators behind them.

4. In the financial year ended 30 June 2002, OCBA received a total of 258 complaints about scams and schemes. The financial year ended 30 June 2003, showed a 19 per cent increase in scams and schemes with a total of 307 complaints received. The OCBA Advisory Service that provides free fair trading advice to consumers and traders reported an increase of 2.4 per cent in inquiries on scams and schemes for a total number of 2 737 for the financial year ending 30 June 2003.

DEBT COLLECTION AGENCIES

In reply to **Hon. T.G. CAMERON** (24 September).

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has provided this information:

Since January, 2001, the Office of Consumer and Business Affairs (OCBA) has received 17 general complaints about debt collection. Of these, five complaints concern debt collection agencies and one was about the forceful tone of a letter of demand.

Section 69 of the *Fair Trading Act 1987* makes it an offence for a person to use physical force or undue harassment or coercion in the supply of, or payment for, goods or services to a consumer.

Debt collectors are also required to be licensed and may have their licences removed for unlawful or improper behaviour.

In August, 2003, OCBA contacted the four financial counselling agencies listed in the 3 August, 2003, *Sunday Mail* article about 'bullying behaviour' by debt collectors. Liaison with financial counselling agencies continued through September so that illegal or unfair conduct could be detected. To date no evidence has been provided to OCBA to trigger an investigation of the alleged illegal activities.

Information on consumer rights is available in the recently released *The Smart Consumer* and via the Web (www.ocba.sa.gov.au). Thirty thousand copies have been printed and are being distributed widely amongst community groups. This information is included in regular presentations to consumer groups, other service providers and traders. The Legal Services Commission's excellent on-line handbook has a section about debt

that directs people who have been harassed by a debt collector to contact OCBA to make a complaint.

OCBA has found that the most effective way of reaching clients of debt collectors is through those Government and private sector agencies that deal with clients of debt-collection agencies. The Commissioner liaises regularly with the not-for-profit sector to ensure that financial counsellors are aware of the services that the OCBA offers in dispute resolution, complaint handling and prosecution of illegal conduct in trade and commerce.

OCCUPATIONAL LICENSING

In reply to **Hon. R.D. LAWSON** (25 September).

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has provided this information:

In previous financial years partnerships in some occupations licensed by the Commissioner for Consumer Affairs received discounted licence fees. As part of the budget process for the 2003-04 financial year to fund high priority programs, Cabinet approved the removal of fee discounting for partners. This was done because the alternative was to impose bigger general licence fee increases. Assuming an increase in returns from licence fees, the change provides a fairer spread of fees amongst all licensees, as all licences require similar administration costs and all licensees obtain a benefit from their licences, no matter what their level of day-to-day work in their businesses.

Most States charge full licence fees for partners and South Australia does not have the highest licence fees.

The Commissioner for Consumer Affairs is notifying licensees of changes to partnership fees in newsletters distributed with their annual return forms.

REAL ESTATE, AUCTIONS

In reply to **Hon. T.G. CAMERON** (23 September).

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has provided the following information:

The Hon. Terry Cameron, MLC, has asked whether the Attorney-General will investigate how widespread dummy bidding is and what effect it is having on South Australian auctions and whether the government will give urgent consideration to tightening auction laws by introducing a similar system to that operating in New South Wales.

The Attorney-General, in his capacity of Minister for Consumer Affairs, instigated a working party early this year to consider possible reforms to the regulation of the real estate trade in this state. This was prompted by an inquiry initiated by the member for Enfield. The working party was formed as a means of consulting the trade on proposed reforms and it produced a report to the minister in early August. That report recommended a raft of reforms to the trade that included outlawing dummy bidding and introducing bidder registration. It also went much further, with recommendations designed to deal with bait pricing and over-quoting to potential vendors when touting for property listings. It became clear as a result of the member for Enfield's inquiry and the deliberations of the working party that the problems in the trade are not confined to auctions. Reforms are also required to offering properties for sale by private treaty, as this process also lacks transparency.

In considering how widespread dummy bidding is, one needs first to be clear about what conduct is involved. On the one hand there is the practice where a person is planted by the auctioneer or vendor and bids with no intention to buy. On the other hand there is what may be termed 'vendor bidding', which is where the auctioneer or vendor reserves the right to bid during the auction and does so. These vendor bids are often made by the auctioneer by plucking a bid out of the air. You will often hear an auctioneer announce before an auction that the vendor reserves the right to bid up to the reserve. Although the planted bidder appears to be a rarer occurrence, the practice of vendor bidding is widespread. The problem is that vendor bids are not disclosed, so it is difficult to tell a real bid from a dummy bid from a vendor bid. Unless all auctions were videotaped, it would be very difficult to distinguish between genuine and dummy bids and to establish just how widespread dummy bidding is.

As to what effect dummy and undisclosed vendor bidding are having on South Australian auctions, it is probably helping to inflate property prices and leaving purchasers uneasy about the process. It is also likely that it encourages the use of auctions as the preferred method of sale.

It is for these reasons that the minister has been investigating options for reforming the trade. The New South Wales legislation, which came into operation on 1 September of this year, introduces bidder registration and restricts vendors to a single bid. Victoria has also recently enacted legislation that requires all vendor bids to be clearly disclosed, although there is no restriction on the number of vendor bids allowed.

The government favours the New South Wales model and intends to introduce legislation as soon as it can be drafted to carry out wide-ranging reforms to the way that the real estate trade operates in South Australia.

SOUTHERN STATE SUPERANNUATION (VISITING MEDICAL OFFICERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 October. Page 410.)

The Hon. IAN GILFILLAN: I indicate the Democrats' support for the second reading of this bill. A visiting medical officer is a person who is appointed as a senior visiting medical specialist or a visiting medical specialist. These appointments may be made by the Department of Human Services, a teaching hospital, the Institute of Medical and Veterinary Science or by any other hospital or health centre incorporated under the South Australian Health Commission Act 1976 that is declared by proclamation to be a hospital or health centre in relation to which this definition applies. These visiting medical officers play a valuable role in our community.

The Superannuation (Visiting Medical Officers) Bill 1993 was passed in 1993 and established that newly appointed VMOs have to be members of the VMO superannuation fund. The only exemption available was where the VMO had been accepted to a scheme established under the Superannuation Act 1988. In 1999, the parliament amended the act to allow visiting medical officers the option of taking advantage of the state government superannuation schemes. We are now advised that the original VMO fund is such that it is no longer viable. As a result of the small number of members, it is now unable to provide a competitive service.

As a result of the trustees' decision to wind up the fund, no contributions have been made to the fund since July this year, and members of the fund have been given the option of rolling over their entitlements to the fund of their choice. Essentially, all that is left for us to do is repeal the original act and add a number of provisions to the Southern States Superannuation Act 1994. The Democrats understand that the various stakeholders have been consulted and are content with the new arrangements. We support not only the second reading of this bill but its passage right through all stages.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their indications of support for this measure.

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

DISTINGUISHED VISITOR

The PRESIDENT: We have today present in the President's gallery to my right, the Hon. Signora Manfrinato, Minister of Industry and Trade for Cosenza in Italy. We welcome you to our parliament and hope you have an enjoyable stay in our state.

STATUTES AMENDMENT (DIVISION OF SUPERANNUATION INTERESTS UNDER FAMILY LAW ACT) BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 467.)

The Hon. R.I. LUCAS (Leader of the Opposition): I support the second reading of this bill. The bill seeks to amend the Judges Pensions Act, the Parliamentary Superannuation Act, the Police Superannuation Act, the Southern State Superannuation Act and the Superannuation Act to complement recent changes in federal family law legislation. Those federal amendments mean that since 28 December last year accrued superannuation benefits can be treated as property that can be split and shared with a former partner to a marriage. I am not sure whether the particular statistic is correct but, in order to indicate the importance of the legislation before us, I did note from the House of Assembly debates that my colleague the member for Bragg, who has some history of service in the area of family law, did note that in talking to young girls, in particular, she often made the point that statistically girls born after 1962 will have more husbands than children. I have not seen it put quite so starkly before, and I am indebted to my colleague the member for Bragg for that particular statistic.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: That is why I made it quite clear that my colleague the member for Bragg, with all her experience in the area of family law, did make that point. While I cannot attest to the validity or accuracy of that particular statement, knowing the member for Bragg's background in this area, and also her impeccable attention to detail, I am prepared to back her accuracy on this issue. I think it highlights the importance of both the federal legislation and the state legislation to many people—and obviously many more people during these years than many decades ago.

This bill seeks to amend the rules of the state superannuation schemes where there is a marriage breakdown to provide for the splitting and creation of a separate instrument for the non-member spouse and a reduced benefit for the member spouse on the service of a splitting instrument on the relevant superannuation board. In simple terms, the provisions will enable the parties to a marriage that has broken down to enter into an agreement specifying how the member spouse's interest is to be split and shared with the non-member spouse. In some circumstances, clearly the partners to a marriage will be able to come to some agreement as to the specifications of that splitting arrangement or agreement, but in the circumstances (which will not be uncommon) where the parties cannot agree, then the Family Court will be able to issue an order giving directions about the splitting arrangements to be followed, and the trustees of superannuation schemes will be bound to follow those directions.

In the second reading the government advises that it will relate only to a breakdown in a relationship between two married persons. It does not deal with the breakdown in a relationship between de facto partners, for example. The government advises that similar legislation for de facto partners will not be able to be introduced until the power to legislate in respect of de facto relationships has been referred to the commonwealth. We are advised that resolution of this issue is still under discussion with the commonwealth.

This legislation in another form was first introduced in the last session of the parliament. At that time, the opposition was contacted by SA Superannuants, which strongly opposed some aspects of the legislation introduced in the last session by the government. However, based on advice it received from its departmental advisers, the government was able to amend the legislation to accommodate the concerns of SA Superannuants. I received a letter dated 20 October from Dr Ray Hickman which states:

> Earlier this year Mr Clive Brooks, Vice President of SA Superannuants, and I met with you and your parliamentary colleague, Mr Dean Brown, in connection with the Statutes Amendment (Division of Superannuation Interests under Family Law Act) Bill introduced into the State Parliament in March this year. We expressed concerns associated with the fact that this bill provided for pension benefits in the payment phase to be divided on the basis that the non-member spouse will be offered the choice of a pension which will cease on the death of a member spouse or a lump sum obtained by commuting the pension using normal commutation factors.
>
> Recently we have been advised that the bill has lapsed and that a revised bill is to be introduced by the Attorney-General, during the current session of parliament. We have been provided with a copy of the revised bill and briefed on its intentions by officers of the Department of Treasury and Finance and the Attorney-General's Department.
>
> I am pleased to say that the revised bill meets our concerns by now providing for a non-member spouse to have the additional option of receiving an associate pension which will continue for that person's lifetime. This is a provision that parallels the commonwealth's arrangements for its pension schemes. We understand from the briefing that the associate pension will be calculated actuarially taking account of the different life expectancies of the member and non-member spouses.
>
> We expect to be given a copy of the regulations when they are ready to go before the parliament and we will be examining them closely. Should they contain detail which concerns us we may contact you again. However, we are now optimistic that the government proposals will achieve the objective of facilitating property settlements in the event of marriage breakdown, in a manner which is fair to fund members and their spouses.
>
> Unless you hear from us again you may take it that SA Superannuants supports the Government's proposals and will be pleased to see them made into law. We are very appreciative of your interest shown in the matter.
>
> Yours sincerely,
>
> Dr R.J.S. Hickman.

I read that letter in its entirety into the *Hansard* record because SA Superannuants had been strongly opposed to those particular provisions of the legislation in the bill introduced in March, and, in accordance with that letter, they have now indicated to the opposition and to the parliament that they no longer have concerns with those aspects of the legislation. It is principally as a result of that, that the opposition has indicated its support for the legislation. Certainly, at this stage we have no intention of proposing amendments to the bill.

During the committee stage of the debate I will raise some matters. I raise some of them at this stage so that government advisers can at least think through their proposed responses and have the opportunity to discuss them, if required, with the minister. During the committee stage, I would like the minister to place on record the actuarial advice—I do not need a copy of it—which indicates, in essence, the impact of this bill (as now amended) in terms of the costs of the

scheme, that is, whether it is neutral; or whether there are minor additional costs to the scheme; or, in summary, what actuarial or financial advice the government has had on the bill which is now before the parliament.

I have some questions in relation to valuation factors, and I seek answers to the question as to what actuarial consultants have been used by the Department of Treasury and Finance in seeking actuarial advice, either on the issue of valuation factors or any other aspects of the legislation that we have before us. In particular, I wish to know whether Brett & Watson Pty Ltd is still utilised by the South Australian Department of Treasury and Finance in the provision of advice? If not, what other actuarial advisers are used by the department and the government in providing advice to them?

The issue of regulations was referred to in the letter from SA Superannuants. I seek an early indication from the government as to whether or not those regulations have yet been drafted. If they have not, what is the time line for the regulations, and when might they be available for consultation with interested parties, such as SA Superannuants and others, prior to any introduction? I will also have some broad questions in relation to the issue of valuation factors for the various schemes and, certainly, if the government's advisers have updated information on what has been approved or not approved by the federal government in relation to the various schemes, that would certainly assist during the committee stage of the debate.

Finally, I will have some questions in relation to the government's process of handling the legislation. I seek confirmation as to whether or not the submissions that went to cabinet for the first bill in March were taken to cabinet by Treasurer Foley, and whether subsequent cabinet submissions for the amendments also were taken to the cabinet by Treasurer Foley. Depending on the answers to those questions, I may well have further questions to put to the minister in relation to some aspects of the government's processing of the legislation. I indicate the opposition's support for the legislation and our indication that there is a number of issues that we will pursue during the committee stage.

The Hon. IAN GILFILLAN: I indicate Democrat support for the second reading of the bill. This bill provides a legislative framework for the division of superannuation assets in the event of a marriage breakdown. This is, of course, a very difficult time for many people, and I hope that this bill gives some relief and no little benefit to people struggling with complex financial matters. I understand that this bill cannot afford any assistance to couples in de facto relationships until such time as this has been resolved by the commonwealth and, as such, we must have a separate scheme in place until this occurs.

In considering this bill, I recognise the efforts of Ms Frances Bedford, who has had provision for same sex couples included in the state superannuation schemes. On that note, I express the hope that, when the issue of de facto relationships is resolved, we also take it upon ourselves to codify similar provisions in respect of same sex couples who are presently without legislative recognition. I find a degree of discomfort with new section 23J, which provides:

> If a member or former member dies and is survived by a spouse who has received, is receiving or is entitled to receive a benefit under a splitting instrument, the spouse is not entitled to a benefit under this act in respect of the deceased member (except in accordance with the instrument) and will not be considered to be a spouse of the deceased person for the purposes of section 36A (if relevant).

I have taken advice on this new section, and it has been explained to me as follows. Under present arrangements, if a person is receiving a superannuation-related pension as a result of their earlier marriage to someone and their ex-partner dies, that person continues to receive a pension, albeit at a reduced rate—for example, two-thirds of their present rate. Under the arrangements made by this bill, a person with similar circumstances would no longer receive a pension after their ex-partner dies. Clearly, this would adversely affect someone financially. My understanding of the bill is that, when superannuation is divided, the non-member may choose from three options: first, arrange to receive a pension at an agreed percentage as the ex-partner; secondly, arrange for their interest in the scheme to be transmuted into a pension in their own right; or, thirdly, arrange for a lump sum value to be calculated and cashed out or rolled over into another scheme as circumstances permit.

In my opinion, the first option is dangerous. A person would be gambling on the ongoing good health and accident free status of their ex-partner. The pension received is likely to be higher as long as their ex-partner survives. The second two options would result in a lower value being transferred over, based on detailed actuarial assessments of life expectancy, etc., and provide a safer option but, it must be reaffirmed, with a lower value being transferred. Clearly, this would be a difficult decision to be made and should not be made lightly.

I indicate Democrat support for the bill, but I hasten to add that the government would do well to support the people making this decision and ensure that good advice and clear financial statements are provided to make the decision as informed as possible.

The Hon. A.L. EVANS: In the minister's second reading explanation, he states that this bill:

> . . . complements the requirements of the Family Law Act and amends the state superannuation legislation establishing schemes, implementing the 'clean break' approach under which a separate interest for the non-member spouse is to be created as soon as practicable.

In simple terms, this bill will operate to assist married couples to obtain a quicker resolution concerning the division of superannuation entitlements and, as the minister said, enable a clean break. Since changes to commonwealth legislation in 2002, a superannuation interest is regarded as property for the purposes of the Family Law Act and, therefore, capable of being split. The non-member spouse can obtain a share of that property upon application to the court and the issue by the court of what is called a splitting order. Under this bill, the whole process of divorce is made much easier.

Family First has a fundamental problem with supporting anything that will make the process of divorce easier. It was reported in the *Advertiser* of 17 September 2003 that, according to family study experts, marriage breakdowns may be costing the Australian taxpayer at least $3.6 billion a year in social security payments, court and other costs. But the long-term social cost of divorce is far more damaging than the financial cost. An analysis of 67 study results by American sociologist Paul Amato has found that children with divorced parents are struggling in life. The sociologist said:

> Compared with children with continuously married parents, children with divorced parents continued to score significantly lower on measures of academic achievement, conduct, psychological adjustment, self-concept and social relations.

In 2001, 55 300 divorces were granted in Australia—the highest number in the past 20 years—and more than one in five Australian families have only one parent. In a 2002 survey conducted by Roy Morgan Research, it was revealed that 68.9 per cent of Australians believe that the fundamental values of our society are under serious threat. Marriage is one of those fundamental values.

According to a report for the Centre for Independent Studies, divorce is responsible for the current fragile state of marriages and its effect upon children. Barry Maley, the centre's senior fellow, comments that one of the big contributors to the breakdown of marriage is the ease with which couples can obtain a divorce. Family First agrees with his findings that 'no fault' divorce laws introduced in 1975 have powerfully contributed to the fragility of marriage.

For those already divorced, Family First understands the pain and anguish that this may have caused them. We realise that often divorce is inevitable. My party wants to care for and support anyone who has been through the divorce courts. However, I believe that there should be legislation that slows down the process of divorce rather than speeds it up, so that people have the opportunity to receive counselling and work through their issues. In this way, they may be able, in some instances, to save their marriage and in the process spare themselves and their family members the pain associated with divorce. According to the article by Barry Maley, entitled 'Marriage: Lite? Full Strength? Or Home Brew?', children who live in a sole parent family, or step or blended families, are 8 to 10 times more likely to be abused or neglected than children living with their natural parents. There is a substantial body of evidence to support the proposition that marriage is the preferred environment in which to raise children.

It is largely irrelevant to Family First that this bill complements commonwealth legislation and therefore should be supported. I understand that honourable members may not support the position that I am taking but I believe that in taking this stand I am placing the interests of families ahead of the individual's interests of expediency and convenience. My party asks the question: what is good for the community, not just the individual? This bill serves to remove an obstacle to the attainment of a quicker divorce. In addition, it implements legislation that could go even further than removing an obstacle.

Under the 2002 changes to the Family Law Act, a non-member spouse, who has not even discussed separation with their spouse, can make an inquiry of a trustee of the fund relating to the value of their share and the trustee is not even permitted to disclose to the member's spouse the fact that an inquiry has been made. What if the non-member's spouse discovers that their payout will be about half a million dollars if they were to separate? Not only does this whole legislation scheme assist couples who are seeking divorce, it may even prompt some who are having a bit of a rough patch to seek a divorce that they would otherwise not have sought. The financial rewards may act as a powerful incentive. Family First does not support the bill.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their contributions to the debate. I understand that the Leader of the Opposition asked a series of questions. I will endeavour to answer some of them now as best I can and if there are any further issues we can follow those up during the committee stage. The first question he asked was about the long-term cost impacts. I advise that the long-term costs of the scheme will be cost-neutral. The leader also asked what actuarial firm has been used in relation to the original factors required under this bill. I am advised that Treasury and Finance uses numerous actuarial consultants in relation to superannuation. In relation to the actuarial factors that have been prepared in relation to this bill, Brett & Watson Pty Ltd has been engaged.

On the question of which minister has been handling the bill: the original introduced into the parliament in March 2003 was dealt with at all stages in the government process by the Treasurer, the Hon. Kevin Foley; since about July 2003, the Attorney-General has been responsible for this legislation and has handled all processes dealing with the preparation of the revised bill now before the council.

The leader asked what scheme-specific factors have been approved by the commonwealth Attorney-General. The valuation factors required under the main state scheme have been approved and prescribed by the commonwealth. We will await prescription of factors for the police and parliamentary schemes and the judges' pension scheme. If there are any further issues that the leader wishes to raise, perhaps we could take those up during debate. I thank members for their contributions, particularly those members who have indicated support for the bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: In relation to the actuarial advice that the minister provided in response to the second reading, if I summarise the minister's response correctly, there is to be no long-term cost neutral to the superannuation schemes. Is that advice on the basis of an actuarial assessment done by Brett & Watson or some other firm? If it is another firm, what other firm has given the government that actuarial assessment?

The Hon. P. HOLLOWAY: My advice is that they are actuarial calculations undertaken by Brett & Watson.

The Hon. R.I. LUCAS: Has the government, in its use of Brett & Watson Pty Ltd, been comfortable that the quality of advice it has provided in recent years has been of acceptable quality to ensure the continued use by the government of that particular firm of actuarial advisers?

The Hon. P. HOLLOWAY: My advice is that Treasury is comfortable with the quality of the advice it has been receiving.

The Hon. R.I. LUCAS: Has the government or its advisers, at any stage in recent years, been concerned about the quality of the actuarial advice that Brett & Watson Pty Ltd has provided to the government on its actuarial assessments of any of the major superannuation schemes?

The Hon. P. HOLLOWAY: My advice is that Treasury officers have not been concerned with the advice they have been receiving.

The Hon. R.I. LUCAS: I was not intending to raise concerns with the minister and his advisers. I am not about to allege any concern about the actuarial assessment in relation to this particular issue. Nevertheless, I believe it is important that, when one looks at superannuation scheme adjustments, the nature of who is providing the advice and the quality of that advice is placed on the public record because it is a difficult and complex area. Members are entitled to know who is providing the advice and whether or not the expert advisers within Treasury and the government are comfortable that that advice is of the quality that is required when we are being asked to assess these schemes. My other

question is: have the regulations been concluded? If not, when will they be in a form which enables consultation on those regulations to commence with organised interested parties such as SA Superannuants?

The Hon. P. HOLLOWAY: I am advised that the regulations have not yet been drafted. There will be widespread consultation in relation to the regulations.

The Hon. R.I. LUCAS: When might that be?

The Hon. P. HOLLOWAY: That will probably take place in the next four weeks or so.

The Hon. R.I. LUCAS: The minister's adviser might need to correct my language if I get it wrong, but with regard to what I have called the valuation factors, which I should have more appropriately called scheme specific factors, as they relate to the schemes could I just clarify the answer the minister gave to the questions, as I quickly wrote them down. The minister seemed to be indicating that the scheme specific factors in relation to the police and parliamentary schemes and one other scheme have still not been approved by the commonwealth Attorney-General. Could I equally clarify which scheme specific factors for what schemes have been approved by the commonwealth Attorney-General?

The Hon. P. HOLLOWAY: I advise that the scheme specific factors are to provide the valuation of defined benefits, which I assume is for family law purposes. As I indicated earlier, the main state scheme has been approved and factors prescribed by the commonwealth. In relation to the other three schemes, I am advised that there has been some verbal acknowledgment that the commonwealth is happy with the police and parliamentary schemes, and I believe the commonwealth is now preparing the acknowledgment of those factors.

The Hon. R.I. LUCAS: And the judges?

The Hon. P. HOLLOWAY: The commonwealth has not considered those yet.

The Hon. R.I. LUCAS: Can I just clarify that the scheme that is perhaps farthest from being approved at this stage is the judges' scheme? There seems to be an indication from the government's advisers that there has been extensive consultation in relation to the police and parliamentary schemes, and it appears that there has been at least potential verbal approval, but it has not been confirmed. However, the judges' scheme specific factors have not even got to that stage yet.

The Hon. P. HOLLOWAY: I am advised that the commonwealth has not even got around to looking at those factors in relation to the judges' pension scheme, given the complexity of that matter. In relation to the other schemes, the position is as suggested by the leader.

The Hon. R.I. LUCAS: In an endeavour to try to clarify my own understanding of the potential impact of the approvals the commonwealth Attorney-General must give to the scheme specific factors, I wonder whether the minister could clarify something for me, and I will take the police scheme as an example. There is a proposal for scheme specific factors to be approved. Is it possible for the government's advisers to indicate whether, when the scheme specific factors are finally approved—as has been recommended—that is likely to be a benefit to a non-member spouse or to a member spouse? That is, who is to be advantaged as we await approval from the commonwealth of the scheme specific factors? Is it the non-member spouse's interests or the member spouses' interests that is waiting with anxious anticipation for approval from the commonwealth?

The Hon. P. HOLLOWAY: The issue here really is one of fairness. I think that one could say that if the commonwealth factors apply as they do at the moment it would be the non-member spouse who would be disadvantaged as a result of unfairness in the system. I am advised that that is because the commonwealth factors assume that, on average, pensioners commute at a higher level than they, in fact, actually do. So, on the question of fairness, it would arguably be the non-member spouse who would be disadvantaged.

The Hon. R.I. LUCAS: Can I clarify that with the minister: is the minister saying that, in relation to the police scheme, if the scheme specific factors, as proposed by the government, are approved by the commonwealth Attorney-General, that will advantage the non-member spouse?

The Hon. P. HOLLOWAY: The suggestion is that if the bill is passed a more appropriate valuation would be made of the value of the non-member spouse's entitlement. So, if you want to put it that way, it would be an advantage. However, it would be best to attribute what is a fair distribution, and I think this bill is all about getting some fairness. Of course, the point needs to be made that we are talking here about the division of superannuation in relation to Family Court settlements, and the Family Court would ultimately be involved in any settlement or valuation. Obviously, if an inappropriate valuation were made, the Family Court would take that into consideration in its determination. The purpose of this bill is to ensure that those determinations are fair.

The Hon. R.I. LUCAS: I think I understand what the minister is saying, based on his advice. The minister is saying: 'This is a more appropriate division and it is fairer.' My understanding is that, if the scheme specific factors are approved, it will be fairer or it will be the non-member spouse who will be advantaged in relation to the police scheme, which is the example I used. If the scheme specific factors from South Australia were not to be approved, then, in the government's language, that would be less fair or unfair and the non-member spouse would be disadvantaged. That is what I understand the government to be saying. If it is what the government is saying, I have asked the questions only in relation to the police scheme. Can I extend that question to the other schemes as well? If my statements are a fair reflection of what the government is saying, does that also apply to schemes other than the police scheme about which we have been discussing?

The Hon. P. HOLLOWAY: A number of issues are involved. First, the government has been looking at the scheme specific factors in relation to all schemes. Obviously, there are differences with respect to each scheme, and I am advised that, for a number of reasons, they would be inappropriate in relation to the parliamentary scheme. The point needs to be made that, under the current factors as they would apply, they are inappropriate. I repeat this point because a higher level of commutation is assumed under the existing factors (should they apply) than is actually the case under these schemes; and, therefore, that would arguably disadvantage the non-member's spouse.

Again, I make the point that, presumably, the Family Court would anticipate that in relation to any division of benefits and, therefore, it would tend to off-set that. We are seeking to ensure that if benefits are divided that that be done so on the basis of accurate assumptions, namely, that the reality of the levels of commutation that take place are reflected in the scheme specific factors.

The Hon. R.I. LUCAS: As I understood that answer, certainly, in relation to the parliamentary scheme, the advice that we have been talking about in relation to the police

scheme is also similar, that is, the government's response, to the parliamentary scheme—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: And judges?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I understand, from what the minister is now saying, that it is also judges, police, parliamentary and the state scheme—

The Hon. P. HOLLOWAY: The degree might be different in each scheme, and there are different factors that make it very complex.

The Hon. R.I. LUCAS: At approximately what stage did the government submit to the commonwealth the scheme specific factors for the parliamentary scheme?

The Hon. P. HOLLOWAY: Obviously, we do not have the information with us, but my advice is that it was around about January. We can check that out and, if there is any major discrepancy or we can get a more accurate answer, I will refer it to the honourable member.

The Hon. R.I. LUCAS: I accept that, at this stage, the best recollection is January and that if there is any difference the government will advise me. The government confirms that the Treasurer had handled all discussions in relation to this legislation when it was first introduced. The government has indicated that, sometime in July, responsibility was handed over to the Attorney-General. Can I confirm that it was the Attorney-General who took the cabinet submission to cabinet for the amended bill that is before the parliament, and that the Treasurer had no discussions at all with any Treasury officers in relation to the legislation after July?

The Hon. P. HOLLOWAY: I can confirm the answer I gave earlier that the Treasurer has not been involved in any discussions in relation to the bill since July.

The Hon. R.I. LUCAS: It may well be that the government needs to take advice and provide an answer later. I do not intend to delay the committee stage, but I seek an affirmation that the Treasurer was not provided with advice by the Attorney-General, or his officers, subsequent to July in relation to the Attorney-General's processing and handling of the legislation. Given that the government's advisers are here, did the government's Treasury advisers in this particular area brief the Attorney-General directly and, if they did, were the Treasurer's ministerial advisers present for any of those discussions?

The Hon. P. HOLLOWAY: The answer is yes and no: yes, the Attorney was advised; and, no, the Treasurer's advisers were not present.

Clause passed.

Remaining clauses (2 to 33), schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

AUTHORISED BETTING OPERATIONS (LICENCE AND PERMIT CONDITIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 317.)

The Hon. A.J. REDFORD: This bill seeks to deal with two technical matters. First, the bill will allow the minister to issue a 24 hour sports betting licence to a bookmaker. The bill is said to take into account the exclusivity commitment to the TAB where no other person can be authorised to conduct a specified range of betting activities in South Australia before January 2017. In addition, the minister wants the power to direct the Liquor Licensing Commissioner about conditions of a licence, purportedly, according to the second reading explanation, to ensure that there is not a breach of that exclusivity agreement.

Secondly, the bill seeks to deal with a flaw in a current sports betting licence granted to Mr Curly Seal who operates a 24 hour telephone sports betting operation. I have spoken to the Hon. Nick Xenophon about this bill, and I know that, from his perspective and with his extensive knowledge of gambling and matters associated with gambling, he does not see a gambling problem in relation to the conduct of the business of bookmakers. In other words, he has had little or no problem with gambling issues of the type about which he reminds us on a regular basis in relation to poker machines.

In introducing the bill, the minister referred to the exclusivity commitments provided to the TAB in relation to a specified range of betting activities. I sought and obtained a briefing from the minister's staff in relation to this issue, and I am grateful to him for making his staff available. In addition to outlining some of the underlying issues in relation to this matter, they also provided me with a copy of the licence agreement, which is entitled 'The approved licensing agreement'.

In clause 6.2, the agreement sets out an acknowledgment by the now owner of the TAB licence of authorities, or entities authorised or licensed to conduct authorities, and the fact that now or in the future there may be grants of certain exclusivity rights in relation to the conduct of such lotteries. The agreement recognises the exclusivity of the casino licence and also indicates that the minister may, from time to time, direct the authority not to approve, as contingencies on which the licensee may accept bets, contingencies falling within the scope of any exclusive rights granted to third parties under South Australian law. I am not too sure whether there are any such agreements.

The agreement also talks about events, or approved events, that are outside the exclusivity commitments and indicates the specified range of activities. Whilst I am grateful for the provision of a copy of the agreement, it is crafted in such a way that it is difficult to understand quickly precisely what is meant by the agreement. So, I am grateful that I have a copy of a letter written by the former treasurer and my leader in this place to the South Australian Bookmakers League outlining what may or may not fall within the purview of the exclusivity enjoyed by SATAB. In that letter to Mr Holton, the Hon. Robert Lucas states:

> With regard to bookmakers the government has determined to provide for continuation of current approved arrangements for bookmakers but act to prevent further expansion of bookmakers into the retail betting market of the major betting operations licensee except in defined circumstances.

The letter also states:

> Provisions of this type have been included in the approved licensing agreement (ALA) negotiated with the purchaser of the TAB. As noted above, the ABOA—

that is, the Authorised Betting Operations Act—

> provides for ministerial direction to be provided to the IGA and LGC with regard to approving activities. I have used these direction powers in order to implement the terms of the ALA.

So, in effect this bill seeks to implement statutorily what the former treasurer said in his correspondence to the bookmaking industry—albeit perhaps not confined in terms of its specific wording to that objective. The letter goes on:

Firstly, I note that, pursuant to the transitional provisions in the ABOA, permits issued under the Racing Act are taken to have been granted under the ABOA and continue in existence. I note that there is one permit in existence that allows a bookmaker to accept telephone bets on sporting events 24 hours a day at a venue off a racecourse. The provisions enable this bookmaker to continue to be authorised to accept bets in this manner.

This legislation and the minister's second reading explanation seek to reflect what was said by the Hon. Robert Lucas in that letter. The letter continues:

The two directions issued to the LGC provide for prevention of issuing permits that allow 'direct walk in trade' and 'indirect walk in trade' respectively. The direction on 'direct walk in trade' means that the LGC—

that is, the Liquor and Gambling Commissioner—

will not be able to provide permits to bookmakers that allow the acceptance of a bet at a place other than a racecourse in conjunction with a race meeting, the auditorium licensed betting shop in Port Pirie, or in the general vicinity of an approved event. The definition of 'approved event' is included in the direction but provides that bookmakers will continue to be able to be granted permits for locations where bookmakers have historically attended major national and international sporting events, annual fundraising events and other defined circumstances.

The direction on 'indirect walk in trade' states that the commissioner must include a condition in each permit issued to a bookmaker prohibiting the acceptance of any bet by means of a telecommunications device where the bettor makes a bet from a device that the licensee has supplied, leased or otherwise provided or subsidised, either directly to the bettor or to a third party. This excludes the provision of a telecommunications device situated at a racecourse or in a licensed betting shop. I understand that this does not impinge upon any current operations of bookmakers.

I apologise for quoting the Hon. Robert Lucas's letter in such detail, but it provides a simpler statement as to what is meant by the provisions contained within this rather complex approved licensing agreement.

In those terms, there does not appear to be anything in this bill that seeks to do anything other than that which was intended by the former government and to continue existing arrangements. However, we all know that gambling in this state and, indeed, the provision of gambling services in this state, is a moving feast. We live in a time of modern technology and rapid change in those technologies. We also live in a time when customers and consumers seek to avail themselves of all sorts of gambling products, most of which, on my observation, are not harmful in themselves, any more than any other gambling product that may well be on the market.

Quite a deal of changes in relation to gambling services are in the pipeline and which this parliament will have to consider further down the track. The first issue I would like to touch upon briefly is fixed odds betting and the TAB's involvement in that process. I note that on 22 October 2003, in an article in *The Advertiser* written by Dennis Markham, it was reported:

The South Australian TAB is almost certain to offer fixed odds on all three racing codes in time for next year's Adelaide Cup carnival in May.

We all know that if that is to occur, there will need to be some legislative amendment to various acts of parliament prior to the TAB being given the opportunity to do that. In that respect, we all know that currently bookmakers enjoy a near monopoly in relation to the provision of fixed price betting in this state. In that respect, the granting of a fixed price licence to the TAB would remove the general monopoly currently enjoyed by bookmakers.

I note that certain discussions have taken place between the minister and the bookmakers in relation to this issue of fixed price betting. In particular, I understand that the South Australian Bookmakers League requested a provision for 24-hour internet betting, both on horses and on sports as its trade off in relation to fixed price betting. I also note that in correspondence from the minister, the minister indicated that the government is concerned by potential problem gambling implications of an expansion of 24-hour internet betting.

I understand that it was put by the minister to the industry that there would be certain trade-offs. I understand that the government indicated that it would support the expansion of fixed odds racing betting to the TAB in association with bookmakers having the right to field at the casino for both sports and race betting for all hours that the casino is open and, secondly, bookmakers being permitted to provide 24-hour telephone betting for sports and races. There was also a third condition concerning the abolition of the racing industry guarantor.

When one looks at the article written by Mr Markham, one sees that some of those factors are covered and some are not. The article states:

But in SA, TAB Sportsbet cannot currently take bets on thoroughbred, harness or greyhound races because of an agreement entered into between the then state Liberal government and new owner Queensland TAB at the sale of SATAB in August 2001.

It then goes on and says this:

The government has scrapped plans to offer concessions to bookmakers here, which included a licence to operate in the Adelaide Casino and extending their betting operations to 24 hours. Mr Weatherill said the TAB strongly objected to any such concessions and the government had decided to proceed with fixed odds betting.

I am not sure whether the matters that were put to the bookmakers' league were submitted to the cabinet by the minister, and I would not expect to get an answer if I asked that question. However, it seems to me that there has been a significant unilateral shifting of ground in relation to the negotiations with the bookmakers vis-a-vis the TAB. I wonder whether the minister has conducted some of the discussions with the bookmakers and various other stakeholders in this industry with the good faith that might well be required in dealing with such difficult and complex issues.

I am speaking for myself, as gambling issues are generally a conscience issue within the Liberal Party, but it seems to me to be a little unfair, bordering on being a bit rich, for the bookmakers to be told that there are no concessions going their way and at the same time the TAB to be given a substantial right to intrude into the bookmakers' market. All those comments I have made I should preface by saying that I have looked at the marketplace only in so far as physical, one on one betting takes place in this state. We all know that the growth in the market is not in that form of betting but it is in the form of some internet betting or wagering, and telephone betting or wagering. I know that there is significant competition in gambling in this state. Indeed, that competition is such that it is increasing.

I know that Mr Curly Seal currently has a 24-hour telephone betting licence in conjunction with a normal bookmaking licence. He is South Australia's largest bookmaker and through the laying off of bets makes a significant contribution to the gross revenues of all other South Australian bookmakers' turnover. I also know that in that case taxation is paid at the point not only where Mr Seal accepts a bet but also where other bookmakers accept his lay-off bets.

However, his licence does not permit him to offer 24-hour betting on racing or 24-hour internet wagering on sports and racing. It is said that to permit Curly Seal an extension of his licence—that is, betting on sports and racing via the internet—would be in breach of the TAB exclusivity arrangement. I am not sure whether that is the case. However, for the purposes of this debate, that should be assumed.

Currently, though, South Australians have the opportunity to bet on sports and racing both by way of the telephone and by way of the internet through a wide range of opportunities. I mention just some: SportsOdds, which is licensed in New South Wales, offers sports betting at the Morphettville auditorium. It can also, through an internet site sited in New South Wales, offer internet betting. Centrebet or Centre Racing offers these services to South Australian punters from Alice Springs. IAS (more widely known as the Mark Reid operation) is based in Darwin and offers these services. I know that Sports Betting Australia, operating out of Darwin, also operates these services. In addition, we have Sports Acumen, based in the Australian Capital Territory. In the current regulatory environment we have a situation where interstate bookmakers are entitled to offer these services to South Australian consumers, and our very own bookmakers are not in a position to offer that same service.

Whilst I acknowledge that it is a difficult and complex issue, on the face of it, we need to consider whether it is appropriate that Mr Seal be placed in the same position as his competitors. I have been informed that there is a possibility that Mr Seal will establish an internet service interstate. I know that the government's response through the minister is that in order to alleviate these competitive pressures there might be a ban on advertising in South Australia of such internet services. I would be interested to see how the government might deal with that issue, given that most advertising of these services is placed in national and international publications. I am not sure that *Best Bet* and other publications will publish a separate or distinct edition of their publication simply because South Australia takes upon itself the task of banning advertising of such services.

I also note that the TAB would be opposed to such an extension of services. It is quite within its rights to do so, should these services fall within the exclusivity arrangement in this agreement. I suspect that the TAB position is one that has been fixed in the past, and given the publicity over the past two weeks about which major TAB company will take over which company it has probably focused most of their minds. In last Saturday's *Financial Review* there was an interesting article about the intervention of the Victorian TAB operation in the proposed merger of Greenwoods or discussions between UNiTAB and the New South Wales TAB. Like the Melbourne Cup, I think there will be some interesting jockeying for positions in relation to the future ownership structure of our TABs in this country. That may well change the position of whoever is the owner of the business in this state about fixed price betting and, indeed, the position with which South Australian bookmakers are confronted.

Another issue that impacts upon all this is the recent racing ministers conference. I note that the racing ministers of all the states came to an agreement. The only difficulty with the agreement involved the ministers of the Northern Territory and the ACT on taxation issues regarding bookmakers. I understand that it was resolved that there be a uniform taxation regime in Australia concerning bookmakers. I acknowledge that they are all Labor ministers, and I also acknowledge the commonsense of all those ministers coming to a uniform agreement. I urge the state ministers, in conjunction with the industry, to exercise as much pressure as possible to ensure that the operators in both the ACT and the Northern Territory pay their fair share to the racing industry for the provision of the product upon which they provide their services. As has been described to me, the operators in the Northern Territory and the ACT put little back into racing. They take a substantial proportion of betting from outside their jurisdictions, and it could be said that those organisations are stealing from organisations in other states, such as the TABs and, to a lesser extent, the bookmakers, who pay something towards the provision of the racing product to enable that industry to survive.

A further issue that the industry is facing in relation to bookmaking and the provision of services is the Morphettville betting auditorium. I visited the auditorium last week, and I am extraordinarily impressed with the standard of the facility. The auditorium opened earlier this year with a hotel licence and 40 poker machines. It has extensive dining facilities and function rooms. Its main feature is a betting auditorium focused on racing. It provides a good range of services and, indeed, I urge members to visit it because it is an excellent facility. I understand that the state ALP conference is to be held in the next month or so. I suggest—and I am sure the Hon. John Gazzola would put in a word—that it would be an excellent place for the ALP state conference to take place. I am sure it would keep many members of the left faction occupied during some of the more boring moments of the convention.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: I understand it is at Glenelg somewhere.

The Hon. R.I. Lucas: The Ramada Grand.

The Hon. A.J. REDFORD: It is the Ramada Grand. If they want to mix with the working class, the Morphettville betting auditorium would be a good place to be. I am sure there would be a number of sporting events on which they could bet. Before I was distracted by the Hon. John Gazzola's quiet interjection, I was talking about the betting auditorium, which is focused on racing in general but specifically thoroughbred racing. The auditorium offers tote betting, similar to the TAB, and two bookmakers stand there—Curley Seal and Sports Odds (otherwise known as Con Kaftaris, who is a prominent Sydney bookmaker).

Under current guidelines, the auditorium cannot operate at the same time as an Adelaide racing event. That came about as a consequence of an agreement between the various racing codes. For example, if a greyhound meeting occurs on a Friday night or a trots meeting occurs on a Tuesday evening, the auditorium cannot operate. As a consequence, many patrons become confused as to when the facility is operating, causing a considerable loss of business. I understand that the net proceeds of betting at the auditorium on the tote are shared between the racing codes in accordance with an agreed formula. I know that there was some dispute earlier this year about the opening of the auditorium during the Adelaide Cup carnival. I understand that since then it has not opened during race meetings, and there has been some considerable discussion between the racing codes about what should happen vis-a-vis the betting auditorium. I hope that the three codes can come to some sensible arrangement so the betting auditorium can open to provide a terrific service to the racing community. That would then leave only the minister having the responsibility of setting the hours for operation—hopefully, with the agreement of all racing codes.

I also note that since the corporatisation of the racing industry—done, I must say, despite the vehement opposition of the now government—the South Australian Jockey Club—and I will speak on this at more length on Wednesday—has turned eight years of successive losses into a fourth year of consecutive profits. That is a terrific turnaround by the jockey club and a shining example of what can happen if a government gets out of the way of an industry, allows an industry to run itself and allows for growth. That has been helped considerably by the extensive benefits that have accrued to the racing industry as a consequence of the sale of the TAB—again, a measure strongly opposed by members opposite. All I can say is that the winner out of all this has been the racing industry. Ultimately, that will translate into more money for owners, jockeys and trainers and will transfer into significantly greater investment in the racing industries.

That is the environment in which we are currently operating, and I have no doubt that very early in the new year, when we resume (on one of our rare sitting weeks), there will be a need by the government to have a bill processed. I would hope that by that time some of the issues relating to the Morphettville betting auditorium will have resolved themselves. I would hope that the ownership of the South Australian TAB operation will be more settled and that we know what that position will be, and I would hope that, when we look at giving fixed price betting to the TAB, concessions are made by all parties so that we have a reasonably fair (if there can be such a thing), competitive environment vis-a-vis bookmakers and the TAB. To some extent, that will depend upon the capacity of the state racing ministers (as opposed to the territory racing ministers) and the various racing codes around this country to ensure that there is a uniform taxation regime for bookmakers in this country and that there is a reasonably fair for all parties contribution by all sectors of the industry to the racing product.

I was heartened at the meeting that I had with representatives of Thoroughbred Racing SA last week when they indicated to me that they are desperately keen to ensure that bookmakers are retained in this state—indeed, in this country—and that they see bookmakers as a real attraction to the track and a pointed difference between betting at the races and betting off course. I was heartened by the fact that they indicated that they wanted to keep bookmakers there, because it is their view that they attract people to the track, and I look forward to the results of an improved relationship between the bookmakers and the various managers of tracks around this state.

I have some questions about this bill. First, the Independent Gambling Authority does have some role to play in relation to this issue (and, indeed, the other bill that I will be speaking on later this afternoon), and I would be interested to know the basis upon which the government says that this body (the Independent Gambling Authority) ought to be exempt from freedom of information legislation. Secondly, because we are at the moment going through a process of establishing codes for gambling in this state, and those codes will apply to the TAB, to bookmakers and the like, I would like to know what stage we have reached in the development of those codes. It has come to my attention that parties to the development of these codes have had forced upon them by the Independent Gambling Authority a confidentiality agreement such that these people, if they dare speak to a member of parliament, would be in breach of that confidentiality agreement.

I am not sure what the Victorian barrister seeks to achieve by having such a confidentiality agreement. They may well work in Victoria, but I can assure him that they simply will not work in this state, even if he does manage to secure signatures. I just wonder whatever happened to the policy of open government and open discussion in this state. Apparently, when a member of the Victorian left gets hold of an organisation, that is a secondary consideration. I deprecate strongly this concept on the part of the Independent Gambling Authority, when dealing with important issues such as a code of conduct, the foisting down the throats of these organisations confidentiality agreements that would prohibit these people from discussing important issues, not only with their members but also with other stakeholders, with members of parliament, with the public and, indeed, with the media. I would be interested to know, when we deal with this bill from the government, whether it approves of the Independent Gambling Authority's approach to confidentiality when establishing codes of conduct for bookmakers and others and, if so, why? Alternatively, will the minister give a direction that confidentiality agreements in these circumstances not be required in relation to the development of codes of conduct?

I indicate my support for the bill. I think that the main issues will be determined in the new year when the government brings its TAB fixed price betting bill to the parliament, and I would urge the government to keep all members informed of what it has in mind in relation to that issue. It is hard to tell when the Labor Party has a conscience vote on most things but, at the end of the day, much of what I have talked about and much of what will be talked about in the new year—in our party, at least—is a conscience issue. So, proper warning and proper negotiation and proper consultation will make the passage of legislation in the new year a lot easier and simpler for all concerned. I commend the bill.

The Hon. KATE REYNOLDS: The Democrats indicate support for the bill at this stage.

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

STATUTES AMENDMENT (EXPIATION OF OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 460.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their indications of support. I note that the Hon. Terry Cameron had some amendments on file, but has withdrawn those amendments. I had some material prepared to respond to those amendments but, as this is no longer necessary, I will not do so. I thank the Hon. Ian Gilfillan for his contribution on this bill, and also the Hon. Robert Lawson, who made a detailed contribution and foreshadowed a number of amendments. The government has not seen these amendments but, in the interests of advancing this bill, is prepared to respond to the points raised by the honourable member in his second reading contribution. These comments might need to be revised if and when the government sees the specific legislative amendments foreshadowed by the Hon. Robert Lawson. I will address each of the points raised by the honourable member.

First, the Hon. Robert Lawson asked for updated figures on defective expiation notices, refunds made and the aggregate loss to date of revenue. The Commissioner of Police has advised me that, as from October 2001 (when this problem was first identified) to October 2003, the total number of refunds made was 2 460. The value of these refunds totalled $436 014. The number of defective notices issued was 5 991, and the aggregate loss of revenue was $1 116 017.

Secondly, the Hon. Mr Lawson foreshadowed an amendment explicitly providing that an expiation notice may be withdrawn or reissued. Parliamentary counsel previously advised that an explicit clause to this effect was not needed, as withdrawal and reissue were plainly contemplated by the scheme of section 16 as amended by this bill. This is purely a drafting matter, about which the government has taken the advice of parliamentary counsel.

Thirdly, the Hon. Robert Lawson sought a detailed description of the process which is undertaken by police when a statutory declaration is received. He asked what steps are taken to verify the truth or otherwise of the material in a statutory declaration. The Commissioner of Police has advised me as follows:

Upon receipt of a statutory declaration at Expiation Notice Branch, it is checked for accuracy and completeness. Should the statutory declaration be faulty in a material particular (e.g. not witnessed) the document is returned to the registered owner for correction. The registered owner is allowed a further 14 days to correct and return it. However, this time frame is frequently not met.

Regulation 9 of the Regulations under the Expiation of Offences Act requires the issuing authority to provide the name, address, class of driver's licence, and number of licence or permit, as part of the certificate of enforcement. An expiation notice issued without the above information cannot be enforced. The date of birth of the driver is required to establish the licence number.

If the statutory declaration has been completed correctly, the details of the nominated driver are checked against Registration and Licensing Records. If the statutory declaration does not contain the date of birth and licence number of the nominated driver, or this information cannot be obtained from the above records, the document is returned to the registered owner requesting additional information. The registered owner is allowed a further 14 days to correct it and return it. However, this time is frequently not met.

Most statutory declarations are treated on face value and are not investigated further than the above process. Obvious erroneous nominations (e.g. Donald Duck c/o Disneyland) are not acted upon and forwarded for Police investigation for providing false information on a statutory declaration.

An honourable member interjecting:

The Hon. P. HOLLOWAY: I assume that is an actual example. Fourth, the Hon. Robert Lawson foreshadowed an amendment to reduce the time limit in which an expiation notice may be issued, from six months to three months. He argued that the proposed extension to 12 months is an endorsement of inefficiency. I am advised by the Commissioner of Police that the extension of time is necessary not because of any police inefficiency but because of the practice of some registered owners and nominated drivers who collude to delay procedures, so that ultimately an expiation notice cannot be issued at all because it is more than six months past the date of the alleged offence. I repeat: the delay is caused by those who receive the notices, not by the police. The Commissioner of Police has provided a table indicating the likely timetable for issuing expiation notices, reminder notices and enforcement processes, especially after police extend the courtesy of permitting an owner to correct a statutory declaration. Mr Acting President, I seek leave to have that table incorporated in *Hansard*.

Leave granted.

Process	Period after offence date
Issue original notice	2 weeks
Nominate on original—no inquiry	6 weeks
Nominate on original—inquiry required	6 to 12 weeks
Nominate on reminder—no inquiry	8 weeks
Nominate on reminder—inquiry required	8 to 14 weeks
Nominate on summons	Up to 12 months
Nominate after court review	Up to 12 months
Nominated driver nominating the actual driver	Up to 6 months

The Hon. P. HOLLOWAY: The honourable member's suggestion that the time for issuing a notice should be shortened from six months to three months would enable many more registered owners to escape liability by colluding with nominated drivers.

Fifthly, the Hon. Robert Lawson sought advice on the nature of the notice that is issued by an issuing authority 'setting out particulars of the statutory declaration that named the person as the alleged driver'. This provision exists in several statutes, and the bill seeks to insert the same provision in section 79B of the Road Traffic Act. The Hon. Robert Lawson wishes to ensure that persons completing statutory declarations do not unwittingly divulge to nominated drivers information that they wish to keep confidential. There is no suggestion in the bill, or in my second reading explanation, that this would occur.

The provision that is proposed to be inserted in section 79B of the Road Traffic Act is identical to a provision that already exists in section 174A of the same act in respect of parking offences. It also exists in other acts and regulations, namely:

- Local Government Act 1934 section 789d(6)
- Highways Act 1926 section 31l(9)—Failing to pay a toll on the Third Port River Crossing
- National Parks and Wildlife Act 1972 section 73A(11)—Use of vehicle in reserves, etc.
- National Parks (Parking) Regulations 1997, regulation 16(6).
- Technical and Further Education (Vehicles) Regulations 1998, regulation 23(6), parking.
- The West Beach Recreation Reserve Act 1987, section 25(10), driving and parking.

To be consistent, if the honourable member is dissatisfied with the provision that is proposed for section 79B of the Road Traffic Act, he should be equally dissatisfied with the other acts and regulations in which the same provision has appeared for many years. The other provisions mostly relate to parking offences. I have not been advised of any difficulty with the operation of this provision for parking offences. Although a nominated driver must be told of the particulars of the statutory declaration, there is no notice prescribed for this purpose. Issuing authorities such as local councils or SAPOL who are enforcing parking restrictions do not need to send a copy of the statutory declaration. They need only send a notice setting out the particulars contained in the statutory declaration.

SAPOL's Expiation Notice Branch issues relatively few expiation notices for parking offences. When a statutory declaration nominating a driver is received for a parking offence, I am advised that the branch's practice is not to send a copy of the declaration to the nominated driver. This would involve unnecessary administrative work such as photocopying and is not required by the legislation. The practice, supported by the legislation, is merely to provide particulars

such as the name of the registered owner who has identified the driver and the date of the statutory declaration. Other information, such as the registration number of the vehicle and the date of the alleged offence, is on the accompanying expiation notice. The Expiation Notice Branch intends to follow a similar practice for camera detected offences if this bill is passed. Therefore, the honourable member's concerns are unfounded.

Finally, the Hon. Mr Lawson has foreshadowed an amendment which provides that, if an alleged offender has not been convicted of a speeding offence, or has not been issued with an expiation notice or an expiation warning notice within the previous 10 years, the alleged offender should not be issued with an expiation notice automatically but should be issued with a formal warning. This proposed amendment will be strenuously opposed. There are several reasons for this. It would provide a significant proportion of drivers with a licence to speed. Those who have not been detected speeding would be able to do so with impunity, safe in the knowledge that they would neither be prosecuted nor issued with an expiation notice. This would have an alarming effect on road safety, because any increase in speed has been shown to reduce road safety.

In enforcing speed limits, police practice currently allows a tolerance of about 10 km/h. Therefore, any person who receives an expiation notice for speeding would be travelling well above the prevailing speed limit in order to come under notice. There would be few occasions when it would be justified in exceeding the speed limit to this extent. Where justification exists, for example, in cases of medical emergency, it would be a matter for police to withdraw or argue before the court. The proposal would remove a discretionary power from police. This would be an interference with the duty of a police officer in determining how an individual offence should be addressed.

There are already provisions in the Expiation of Offences Act for the withdrawal of notices when the offence is deemed to be 'trifling'. The honourable member's suggestion was not confined to speeding offences only slightly over the speed limit. If speeding offences significantly over the speed limit were not to be enforced, the proposal would be even more alarming.

Added to these concerns are the immense practical and administrative difficulties inherent in the honourable member's suggestion. There is no record of expiation notices stretching back 10 years and no record at all of any formal warnings. Police would have to commence a record of formal warnings issued under this system, which would be very costly to introduce. Most importantly, however, it would be impossible to be sure that persons getting the benefit of 'one free offence' were truly deserving. The Commissioner of Police has advised that, due to owner onus legislation for photographic detection, there can be no guarantee that a person does not have a previous history of offending.

For example, John Smith may be the registered owner of a vehicle. He may be a careful driver but he has 10 expiated offences in his name because he allows his son, a reckless driver, to have access to his vehicle and pays his son's expiation notices for him. John Smith could not get any benefit from this scheme, even though he has been a careful driver. However, his son, who does not deserve the benefit, could get it. The government will oppose the honourable member's proposed amendment. I conclude by thanking honourable members for their contributions. We will deal further with those matters in the committee stage.

Bill read a second time.

PASSENGER TRANSPORT (DISSOLUTION OF PASSENGER TRANSPORT BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 388.)

The Hon. CARMEL ZOLLO: As with most members, my contact over the years with the Passenger Transport Board has been at the constituency level. My other association with the PTB was during my time as chair of the Legislative Review Committee. The committee held an inquiry into taxi fare prices and the cost of installing security cameras.

Given some of the debate we have already heard in the other place about responsibility, the view of the majority of members in relation to that inquiry was interesting indeed. The majority of members believed that the PTB should have taken the responsibility of administrative oversight of the safety issue of camera installation. At some level, there clearly was a lack of communication between the board, the minister and the industry. I think the member for West Torrens in the other place said something along the lines that taxi drivers would be celebrating the passing of this bill. Clearly, many of them did not always have a happy association with the PTB. Nonetheless, it is now all water under the bridge, as the saying goes. I only mention it because this new legislation removes any doubt in relation to responsibility and ensures that the minister is ultimately responsible for policy implementation, and giving the minister direct accountability in parliament for all passenger transport issues is surely a welcome initiative.

This bill is about the abolition of the Passenger Transport Board and the establishment of the Office for Public Transport in its place. It is about establishing a specific office for public transport under the Department of Transport and Urban Planning. The government believes that it puts us in a much better position to deliver on our transport policies, as promised at the last election.

As expected, the minister made the point that public transport needs to be properly considered when capital investment decisions are being made. It has not helped to have responsibility for the preparation and advancement of investment projects fragmented between Transport SA, the PTB and TransAdelaide. Of course, one of the main reasons that the PTB was established was for the letting and administration of contracts for the supply of bus services in metropolitan Adelaide.

We all have our views on the efficiency or otherwise of our transport system and whether or not services should have been outsourced. Without doubt, some improvements have been made to some routes but I have no doubt that some of the industrial unrest we are now seeing is because of those decisions. The failure to factor employee conditions into tenders is now coming back to haunt consumers.

One of the biggest challenges we face in public transport is the coordination of services. Adelaide has ended up being a sprawling city and getting from one side to another—or even in one direction—over a long distance is not always easy without making several changes along the way. We have bus, train, tram and o-bahn systems, the latter definitely being the most efficient, possibly followed by the trains.

Of course, public transport is immensely costly and the mistakes of the past cannot be undone, whether it is ridding

ourselves of our trams or the downgrading of our train system. I have always lived in the north-eastern part of Adelaide, and I remember the hassle of going to work, say, in the northern suburbs. More than one car in outer suburbia should not have to be essential, but it has become so because husbands and wives are often both working and children need to be picked up from school or after-school care, in particular. If we had an efficient transport system, that need not be the case: at least one party could be catching public transport.

Some of our transport system is very good and, in those areas, we have seen greater patronage. I for one would like to see even greater publicity than we have now to encourage people to use public transport. I am certain that a smarter coordination of services would see more patronage. It is regrettable that a city like Adelaide, with a relatively small population, has sprawled out in the manner it has. It makes for a disjointed transport system as well as adding extra pressure to the public purse, regardless of who is in government. The vision for satellite cities, such as the planned Monarto, regrettably did not eventuate.

The second reason the minister mentioned for the abolition of the board is responsiveness. I guess I do not have to tell honourable members that perception is everything in politics. In the case of a statutory authority, constituents may feel that they are removed from the democratic process when their elected representatives are not directly responsible for their grievances. I hasten to add that the minister made the point that it is not always appropriate for him to be directly accountable for functions and that a series of delegations should be put in place within the department to provide for transparent and, where necessary, arm's-length decision making.

In relation to disciplinary matters, the bill provides that a passenger standards committee be established to exercise disciplinary powers under the act, as it is not appropriate for the minister to be held directly responsible for all functions. The minister freely acknowledged that we do have the most run-down public transport infrastructure of all the mainland capitals and, whilst there are various reasons for this, I agree that it has not helped to have responsibility for preparing and advancing investment projects now fragmented between Transport SA, the PTB and TransAdelaide. The government is clearly in a position to maintain the skills base from the PTB as well as being able to deliver on an integrated transport policy. Again, I welcome this legislation.

The Hon. SANDRA KANCK: As the holder of the transport portfolio for the Democrats for the last 9½ years, the very first bill I had to deal with in this parliament was the bill that created the Passenger Transport Act, and I have to say it was a learning experience. Parliament was opened on 10 February 1994 and, on 17 February, just seven days later, the Passenger Transport Bill was introduced by the then transport minister, the Hon. Diana Laidlaw. It was no mean bill: it contained 65 clauses and four schedules, with 50 clauses in schedule 1, five clauses in schedule 2, two clauses in schedule 3, and 10 clauses in schedule 4.

The Hon. Barbara Wiese, who was then shadow transport minister and who had been transport minister in the previous government, told me that, given the size of the Liberals' mandate, it was impossible to vote against the bill because it had been a central plank of the Liberals' election policy. It is a fact that the Liberals had released their transport policy in January 1993, more than 10 months out from the state election. The Hon. Diana Laidlaw even had a draft bill circulating before the election. I am not sure that there has ever been a bill in this parliament so well prepared. Anyhow, despite the opposition's view that it could not vote outright against the bill, it said, through the Hon. Barbara Wiese, that it was intending to heavily amend it.

That bill abolished the STA (State Transport Authority) and replaced it with the Passenger Transport Board. I think this was done because the Hon. Diana Laidlaw was preparing the way for the contracting out of what was known until then as public transport services. Because the provision of some of these services were to be privatised, it was therefore considered by the minister that it was no longer appropriate to refer to these services as public transport. So, passenger transport was the preferred title. Taxis were also to be a part of the brief, and they are certainly not publicly owned.

However, to members of the public it made no difference—they were the public, they were using the service and, to this day, members of the public still call it the public transport service. With the outsourcing of services being the government's objective, the Hon. Diana Laidlaw's view was that, as minister, she had to be removed from the process and be seen to be removed from the process. The existence of the Passenger Transport Board was therefore a very important part of the 'hands off' approach she was designing. The board would be the body to look at the documents and award the contracts, and the minister would effectively simply be advised of the decision.

Both the opposition and the Democrats heavily amended the legislation, with a deadlock conference finally resolving the impasse that developed. So, not content with this just being a complete rewrite of the act, this first piece of legislation with which I dealt resulted in a deadlock conference. It was really a baptism of fire for me as a legislator. Some might have considered me to be at a disadvantage because I was perceived to be a complete rookie handling my first bill on behalf of my party. I was mixing it with the minister and all the staff she had to support her, and also with the former minister with all her knowledge and experience.

Nevertheless, I can report that I had 3½ pages of amendments prepared for the committee stage. Some of those amendments were successful and some failed, as happens in this place, but one of my successful amendments prevented members of the Passenger Transport Board being given a car and an allowance for use of a car or a car parking space as part of any reward for their position. I was particularly pleased at the time to succeed with amendments to create a Passenger Transport User Committee (which the minister insisted was not needed) and a Passenger Transport Industry Committee.

A great deal of the debate centred around the impending privatisation of service delivery. The Democrats supported the opposition in prescribing publicly-owned property from being disposed of without public notification in the *Government Gazette* of the government's intention to do so. Ultimately, the bill was amended in such a way as to delay and stagger the outsourcing thereby buying time so that the public sector was able to get its act together and be able to tender successfully for a number of the services. Nine years later it appears that all that is going to be outsourced is outsourced, and the current government does not seem to feel the need to have that hands off protection for which the previous minister argued. To the contrary, it appears that the new minister is arguing that he wants to get his hands dirty, and the Democrats say, so be it. This is the government that went to the election with a 'no more privatisations' policy—

The Hon. Caroline Schaefer: But not a transport policy.

The Hon. SANDRA KANCK: Yes, and without a transport policy. When outsourcing contracts expire, the minister will make a decision either to extend the contracts, tender out the routes again or hand them back to the public sector to run. The decision will be the minister's, and we will await those decisions with great interest. There will not be any hiding behind a Passenger Transport Board as a result of this legislation. We place on the record that we admire the minister for his willingness to be so transparent. The Democrats support the second reading.

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

SUMMARY OFFENCES (VEHICLE IMMOBILISATION DEVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 460.)

The Hon. R.D. LAWSON: I indicate Liberal opposition support for this bill, which will amend the Summary Offences Act to authorise the use by police of vehicle immobilisation devices. These devices are designed to stop a vehicle by puncturing its tyres. Those devices that are currently in use by South Australia Police are called Stinger Road Spikes, a particular variety of device which comprise a portable strip of spikes that is placed on a road in the path of a vehicle which the police wish to stop. The minister's second reading explanation provides a detailed description of the manner in which these devices are operated and the safeguards in the legislation.

The bill provides that these devices must be approved by regulation. As the minister's second reading explanation indicates, Stinger Road Spikes have been used by SAPOL since 1998, and it is envisaged that these spikes will be the subject of regulations to approve their continued use. It would assist the parliament if the minister could put on the record the operational experience of the police with these devices. In particular, has there been any evaluation of their effectiveness and, if so, could the result of that evaluation be notified to the parliament, together with the general nature of the evaluation and its conclusions?

It would be of assistance to the council and, I am sure, to the committee to know whether there have been any incidents in which persons or property have suffered damage or injury as a consequence of the use of the Stinger Road Spikes. The opposition has been proceeding on the basis that the information contained in the second reading explanation is accurate, namely, that there have been no detrimental effects as a result of the use of these devices in this state. However, confirmation of that fact through the provision of answers to my questions will allay any fears that might exist.

As is acknowledged, it is arguable that the police must declare a roadblock under existing legislation to halt traffic. We accept that a roadblock must be authorised by a senior officer, and the procedure to declare a formal roadblock may, in the exigencies of operations, be difficult. This bill will, of course, avoid the necessity to declare a formal roadblock when the police are using an approved device for the stopping of a particular vehicle rather than stopping traffic generally. As the shadow minister for police and former minister for police (Robert Brokenshire) in another place indicated, these devices have been approved for use for some time. However, as I say, it will be appropriate for there to be placed on the record the benefits that have been obtained, as well as any evaluation of incidents in which there have been negative effects.

I look forward to those answers at the committee stage and to the minister's indicating whether or not there has been any challenge to the use of the Stinger spikes, whether administratively or in the course of legal process and, if so, what those challenges have been and what has been the result, if any, of legal challenges to their use without the statutory authority that is now sought to be introduced.

I also seek information from the minister as to whether or not it is intended to approve for use any device other than the Stinger Road Spikes that are currently being used. The minister's second reading explanation indicated that, only a few months ago in New South Wales, there was the issue of a large number of sets of road spikes. It would be of assistance to the committee to know whether the spikes used in New South Wales are, in fact, the Stinger Road Spikes that are proposed to be authorised here, or whether some other variety or brand of road spike is being used in New South Wales after the two-year trial mentioned. It would be of assistance to know whether, in South Australia, it is intended to seek the authorisation of spikes other than the Stinger Road Spikes. However, subject to satisfactory explanations being put on the record in relation to those matters, the Liberal opposition will assist the government with the rapid passage of this bill.

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

LOTTERY AND GAMING (LOTTERY INSPECTORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 389.)

The Hon. KATE REYNOLDS: Again briefly, I indicate the Democrats' general support for the bill.

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

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (NEW PENALTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 469.)

The Hon. D.W. RIDGWAY: I rise as the first speaker for the opposition, and I indicate that I support the bill. This important measure has taken a long time to come before the council, and we would like it to pass quickly in order to ensure that it is in place before the summer peak, when it is most needed. The purpose of the bill is to introduce a new D class penalty provision into the National Electricity (South Australia) Act 1996 and to provide a higher penalty, not exceeding $1 million, for breaches of the National Electricity Code, and a $50 000 fine for each day that that breach continues.

This bill has a lengthy history, beginning in June 2001, when the then Liberal government requested at a COAG meeting that the National Electricity Code Administrator (NECA) undertake a review of the rebidding for electricity

and the value of lost load in the national electricity market. The Liberal government saw that, with full contestability commencing on 1 January 2003, there would be a further problem for householders if the issue was not tackled.

In September 2001, NECA forwarded proposed code changes to the ACCC for consideration and, effectively, proposed to work with the national electricity market company to improve the dispatch process so that short-term price spikes are minimised; that generated bids and rebids be required to be made in good faith; that the onus of proof be reversed so that generators have to demonstrate that they are operating in good faith; and that a prohibition be placed on bids or rebids which materially prejudiced the efficient, competitive and reliable operation of the market.

At that time, the ACCC indicated its acknowledgment of the receipt of the code changes and sought some comments from interested parties, with the consultation closing in mid November 2001. It is interesting to note that the ACCC received a number of submissions, many of which highlighted concerns. Not surprisingly, some of those concerns were put forward by participants in the market—the generators who did not want a stronger regime in place.

Members may recall that the member for Bright (Hon. Wayne Matthew) became the minister responsible for electricity in 2001. He attended his first forum in December 2001, when he asked the ministers at the time to agree that the South Australian jurisdiction be allowed to develop changes to the national electricity law to increase the level of penalty for inappropriate bidding and rebidding to a maximum of $1 million per event to provide a level of penalty that would more closely reflect the potential financial benefit to be gained from inappropriate bidding and rebidding practices. The member for Bright asked that at the NEM ministers forum on 7 December 2001, and we are still debating this important legislation in November 2003.

The next ministers forum in 2002 was attended by the current minister. It has taken from then until now for this bill to be introduced. This agreement should have been in place well over a year ago, and this bill should have been debated in time for the summer peak of 2002-03. This is just another example of the tardiness that has occurred within this government over delivery of its legislation for electricity.

Time and again we see the minister and this government trying to blame their electricity woes on the privatisation process. That is what they would have South Australians believe, instead of taking responsibility for their own tardiness. However, I commend the bill to the council.

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

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 441.)

The Hon. A.J. REDFORD: The effect of this bill is to enable the Independent Gambling Authority to recover the cost of reviews from the licensees of the TAB licence and the casino licence. In introducing the bill, it is said by the minister that this is part of the state budget. In addition, the bill as proposed will also allow the Liquor Licensing Commissioner to recover his costs in supervising the casino, estimated at $1.1 million per annum, and the TAB, estimated at $388 000 per annum. The bill also incorporates a provision in relation to investigations by the Independent Gambling Authority in which the results are to be notified to the minister and also to the affected person, whether they be an applicant or a licensee.

The bill is of some interest. Proposed section 25(1) of the Authorised Betting Act states:

> (1) Where the Authority carries out an investigation under this Part, the Authority must require—
>
> (a) in the case of an investigation in connection with an application—the applicant; or
>
> (b) in the case of an investigation in connection with review of the continued suitability of licensee or the licensee's close associates—the licensee,
>
> to meet the cost of the investigation.

There is an incorporation of a very similar provision in the Casino Act to enable the recovery of costs in relation to the casino. Section 23 of the current Authorised Betting Operations Act provides:

> (1) The Authority must carry out the investigations it considers necessary to enable it to make an appropriate recommendation or decision on an application under this Part.
>
> (2) The Authority must keep under review the continued suitability of the licensee and the licensee's close associates and carry out the investigations it considers necessary for that purpose.

Section 53 of the Casino Act provides:

> The Commissioner is responsible to the Authority to ensure that the operations of the casino are subject to constant scrutiny.

Indeed, section 13 of the Independent Gambling Authority Act provides:

> (1) The Authority—
>
> (a) may hold an inquiry whenever it considers it necessary or desirable to do so for the purpose of carrying out its functions; and
>
> (b) must, if requested to do so by the minister, hold an inquiry into any matter relating to—
>
> (i) the operations of a licensee under a prescribed act; or
>
> (ii) the operation, administration or enforcement of a prescribed act.

Then it refers to the tabling of a report in the parliament, unless the authority recommends that the report ought to be kept confidential. I note that there seems to be some inconsistency—in principle, at least, albeit not in legislative form—between the provisions in section 13(3) of the Independent Gambling Authority Act and proposed section 26 in this act regarding the results of an investigation. I will be interested to know what the government's view is in so far as that inconsistency is concerned.

The opposition supports in principle the thrust of this bill. The opposition supports the principle of user pays, and the principle that the reasonable costs of investigation and regulation be covered or be able to be recovered by the appropriate authority from the stakeholders concerned. It is a matter not for the taxpayer to bear this but for the industry. However, the opposition has some concerns about the way in which this bill is structured.

I understand that the minister will make an announcement in connection with the budget as to what these two bodies can be charged. In other words, depending upon the activities of the Independent Gambling Authority, it could turn out to be the equivalent of driving a pantechnicon to the Treasury, the TAB or the casino and helping oneself to their money. There is no check or balance in relation to determining what is an appropriate amount. No process is set out in the bill as to how that amount is to be determined, and there is nothing in the

bill that would protect an organisation from either an arbitrary investigation or, indeed, from arbitrary charges.

I am grateful for the briefing that I had from minister's officers, and I raised this issue with them. I am also grateful for the indication from those minister's officers that they would look into whether or not there might be a better mechanism to ensure that the Independent Gambling Authority does not embark upon some frolic of empire or bureaucracy building at the expense of these two companies, both of which I assume have small shareholders from this great state of South Australia. There is no process to check reasonableness.

One suggestion I made to the minister's staff is that perhaps we could set the fees by regulation. There is a precedent for that. The fees for the licensing and supervision of many of our electricity authorities are set by regulation, and that would enable some form of parliamentary scrutiny, and it would also enable or allow a forum for these organisations to put submissions if they felt that either the Independent Gambling Authority was growing into a bureaucratic nightmare or, alternatively, that the fees were, in the circumstances, unreasonable. The other alternative would be to set some form of statutory criteria that could be challenged in a court. I must say that I am not in favour of the latter alternative. However, I have confidence in the process of setting fees such as this by way of regulation, which would enable proper parliamentary scrutiny of the fees set.

I know—and I have had some discussions with various interstate stakeholders, particularly in Queensland—that it is done in the manner set out in this bill. However, I am not sure that Queensland is a model of democracy that we in this state ought follow. In that respect, I have some questions. My first question is: what is the process in other states in terms of the legislation adopted for the recovery of fees such as this? Is it possible to adopt a similar approach for the recovery of fees for the electricity industry in this case? I qualify the comments I have made in relation to this bill by saying that I do not seek to inflict upon the IGA any impediment for the process of ensuring the probity of the operation of the TAB and the casino in this state. However, I do not wish to see those organisations subjected to arbitrary or unreasonable costs and charges, which ultimately will be passed on to South Australian consumers.

The only other matter that has been raised with me during the course of consultation was one raised by the racing industry, and this perhaps relates more to the Independent Gambling Authority Act than it does to the bills before us. Section 15A of the Independent Gambling Authority Act enables delegation to take place. It has been mentioned to me by the thoroughbred industry that it would assist the industry significantly if there was a broader delegation to the racing industry, particularly in relation to the operation of stewards, for example concerning inquiries into the conduct of race meetings, jockeys and the like, and, in particular, if that delegation were consistent with Australian racing rules, because, at the end of the day, the status of the South Australian racing industry, and in particular its relationship to the principal clubs which are the national governing body of racing in this country, is very important to this state and ought to be looked after.

With those words, I support the bill. However, we do not wish to see an unreasonable Independent Gambling Authority hounding organisations into the ground without any checks or balances as to the extent to which they conduct their probity function. Nor do we think that it is appropriate that it be set entirely by the minister without some degree of parliamentary scrutiny. We in the opposition would await a response from the government in relation to those suggestions. If the government was the prepared to accede to those suggestions, we would pretty much accept a proposal of parliamentary scrutiny that would best suit the industry. In the absence of that, we would require some small time within which to draft some amendments.

The Hon. KATE REYNOLDS: Briefly, in general the Democrats support the bill, but the Hon. Angus Redford has raised some interesting questions, and we look forward to further information and discussion about mechanisms to improve the processes for determining charges and making sure they are appropriately transparent. We look forward to further debate.

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

EDUCATION (MATERIALS AND SERVICES CHARGES) AMENDMENT BILL

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

UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

ADJOURNMENT

At 5.58 p.m. the council adjourned until Tuesday 11 November at 2.15 p.m.