LEGISLATIVE COUNCIL

Wednesday 18 February 2004

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the report of the committee on regulations under the Controlled Substances Act 1984.

Report received and ordered to be printed.

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

Report received and ordered to be read.

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

Report received.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement in relation to a review of the South Australian Certificate of Education made by the Minister for Education and Children's Services, the Hon. Trish White.

QUESTION TIME

MITSUBISHI MOTORS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Minister for Trade and Economic Development questions about Mitsubishi.

Leave granted.

The Hon. R.I. LUCAS: During the estimates committees last year, opposition members asked minister McEwen a series of questions about the government assistance package to be provided to Mitsubishi. Those questions were based on information which, at that time, had been provided to the opposition.

As background, I remind members that during the period of the Liberal government, from 1993 to 2002, the then shadow treasurer and the then leader of the opposition—now Treasurer Foley and Premier Rann—were very critical of the former government in not insisting on, as they claimed, clawback provisions for all government assistance provided to companies. Last year the opposition was provided with leaked information from within the minister's department and within Treasury which indicated to the opposition that the $50 million package provided to Mitsubishi had not been tied to strong clawback provisions which would ensure that all taxpayers' money would be returned if employment investment promises were not kept.

In June last year, minister McEwen promised that he would bring back detailed answers to those questions asked in the estimates committee. Later in the year, minister McEwen provided a very brief response in relation to those questions as follows:

> The Mitsubishi Motors assistance agreement places obligations on the company to implement its parent company's approved business plan in South Australia. If it fails to meet its business plan objectives the company will be penalised. There are no obligations in the agreement relating to levels of employment or export sales targets.

The opposition has, again, been provided with further information in the light of stories in the last 24 hours relating to restructuring which is evidently occurring internationally in Mitsubishi. Again, I hasten to say that the opposition has provided strong bipartisan support, and indeed has led the arguments, for working with Mitsubishi to ensure a continued presence here in South Australia. My questions, based on the further information provided to the opposition, are:

1. Can the minister confirm information provided to the opposition that, in the event of the Mitsubishi plant being closed in the next few years, a significant proportion of the $50 million of taxpayers' money would not be repaid to taxpayers, even in the light of the statements provided by minister McEwen in response to the questions asked in the estimates committee last year?

2. What is the nature of the supposed penalty referred to by minister McEwen in his answer to the estimates committee questions that I have now placed on the public record?

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

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 questions about the Anangu Pitjantjatjara Executive Board.

Leave granted.

The Hon. R.D. LAWSON: The Anangu Pitjantjatjara Executive Board is established under the Pitjantjatjara Land Rights Act, section 9(4) of which provides that members of that board hold office from the date of their election until the next annual general meeting and then, subject to the constitution, shall be eligible for re-election. In answer to a question asked by me on 10 November last year, the minister said: 'We have indicated to the APY executive that it would have to face an election at its annual general meeting and it is my understanding that the decision has been made to that effect.' The APY executive, to which the minister was referring, is the Anangu Pitjantjatjara Executive Board.

In answer to a question I asked subsequently on 4 December in relation to the then forthcoming annual general meeting to be held on 15 December, the minister said:

> The government will have representatives at the meeting and we will do an assessment. . . to ensure that the intention of the act and the definitions within the act are upheld as far as our responsibilities are concerned.

In a ministerial statement made earlier this week, the minister said:

> I urge the executive to conduct an election at the 2003 annual general meeting, as had been done in previous years.

It is now accepted that the executive did not hold an election at that annual general meeting but that the board positions were, in effect, rolled over so that the board members did not, as the act requires, hold office until the annual general meeting and are still holding on to office, with the apparent encouragement of this minister. My questions are:

1. In relation to the claim that the minister urged the executive to conduct an election, by what means and through what persons did the minister communicate to the executive his urging that an election be held at the 2003 annual general meeting?

2. In relation to the minister's statement that the government would have representatives to ensure that the intention of the act was carried out, I ask the minister to indicate the names of those government representatives who were present, what action they took to ensure that the intention of the act was carried into effect, and what reports did they make to the minister in relation to the matter?

3. In relation to the minister's claim that he indicated to the executive that it would have to face an election at its annual general meeting and his understanding that a decision had been made to that effect, what information did the minister have to form the understanding that the executive had taken a decision to face an election at the last annual general meeting?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am not sure that I understand the intention of the last question. However, the honourable member is right in saying that I did indicate to the council that I was urging the APY executive to hold an election during its annual general meeting to endorse the members who had been elected at the 2002 meeting, and I indicated that we would be dissatisfied if the outcome did not provide certainty by at least putting the question in relation to the re-endorsement of the then current executive.

As I have indicated in this council previously, the legislation is uncertain and is full of ambiguities. It is certainly not a strong piece of legislation where you could confidently say whether the act or the intention of the act has been breached by any action or activity taken by anyone on any given matter. In particular, the section that refers to elections is very vague, and the relationship between the APY constitution relating to its administrative requirements and its relationship to the act are also very vague. That the constitution can be changed to extend periods between elections is not something that too many organisational structures have at their disposal, but it is our intention to change the act to bring it into line with the current government's requirements, which lean toward major changes required for delivery of a wide range of services to the AP lands; and that needs to be done for the future.

The difficulty we have with the current situation is that the election that was supposed to have been held at the urging of me and the Chief Executive of DARE, Peter Buckskin, did not occur because the meeting, according to the report I had, was abandoned due to activities which people at the meeting felt could lead to a form of violence that would have put the people attending the meeting at risk. As I did not attend that meeting, I have to take those words as being an accurate reflection of the feeling of the meeting at the time. I was told that a small group of people had taken over the running of the meeting from the chair and that the question for endorsement of the current executive was not put because the meeting had been abandoned. The government was then put in a difficult situation because we have a whole range of activities in which the executive, as constituted, is required to involve itself, such as the acceptance and distribution of funds from the state and other organisations like ATSIC and non-profit organisations.

What would be the status of an executive that had not fulfilled the requirements of the act in holding an election within that calendar year? We then asked the executive to conduct another meeting to put that question. We were then put in the position of the government not being able to direct the executive to hold the annual general meeting within that calendar year because the year had lapsed on 31 January. With the way in which elections are conducted up there, if traditional business is conducted at a particular time of the year, then activities occur within those communities until late February to early March. I understand that at least one community is still conducting traditional business, which closes down all of its activities in other areas.

For traditional reasons it is quite difficult to get sections of the communities to line up with the intention of the act, and the government has made a decision in a transitional way to accept the executive as it stands, given that we intend to move an amendment to the act to enable us to do that. We then intend to get the restructuring through the negotiating process that we require, bearing in mind that we have agreement on changes. We do not have agreement on specific changes to the way in which the AP executive interacts with the service providers. We will be trying to get changes to have a more mature approach to governance within the lands and do as other states are doing and put in place a form of local government within the lands. It is a matter of using the goodwill that applies in the lands at the moment with the current executive.

We understand the intention of the question from the honourable member—that, according to the act, the endorsement has not occurred during the calendar year provided for the administration of the act. Our options are to not recognise the executive and to work with other funding bodies within the region or to wait until the next annual general meeting. We would prefer to have a transitional position that recognises the APY executive as being an authentic executive representative of 14 of the 16 communities (which has been indicated by letter) and, at the same time, to negotiate those changes that we require for a transitional period leading into a fixed time for elections, just as in any other local government area.

Unfortunately, we have a deficient act that has not served the AP people particularly well, because at each election of which I have been made aware in recent times those annual general meetings have finished up in dispute. Some have finished up in violence and, in the case of the 2003 election, the meeting was abandoned before it ended up in dispute. We are working our way through it. We understand the seriousness of the situation in relation to the legal responsibility, and we also understand the problems that the APY faces in dealing with those matters. We are looking for partnership, and we feel that the best way in which we can achieve partnership and cooperation is to have a transitional period in the lead-up to major change.

The Hon. R.D. LAWSON: I have a supplementary question. Has the government obtained crown law advice about the legal consequences in respect of what has occurred in relation to the election?

The Hon. T.G. ROBERTS: We have had informal advice to the effect that, if we urge an election on AP, we may ourselves be in breach of the act in determining that point. There is a case for individuals to take action if they feel that the election result does not reflect the true processes that are required within the APY lands. We have had advice from crown law, and there is a number of options. We have chosen one.

The Hon. J. GAZZOLA: I have a supplementary question. What purpose would be served in overturning the current executive and continuing the division experienced on the lands under the previous government?

The Hon. T.G. ROBERTS: If we overturned the election and demanded that the AP has another election, it is problematical—

The PRESIDENT: Order! I point out to the members of the free press in the gallery that there are rules about filming in the South Australian parliament, as is the case in the federal parliament. You have all been briefed on those rules about filming in this council. I expect you to comply with them, or you will be removed.

The Hon. T.G. ROBERTS: The answer to the honourable member's question is that we have taken a course that I think will cause the least amount of dislocation and disruption in de facto recognition while leading to substantial change through negotiating with the AP in goodwill and good faith.

BARLEY MARKETING

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the Barley Marketing Act.

Leave granted.

The Hon. CAROLINE SCHAEFER: This morning on radio the minister announced that he was delaying the introduction of legislation aimed at amending the Barley Marketing Act, in spite of his previous assurances to barley growers throughout South Australia that such legislation was impending, and that he was now looking at models of barley marketing other than those based on the Western Australian model. Will the minister now concede that the review commissioned by his government into the Barley Marketing Act was under-resourced, as we suggested, and rushed to such an extent that the recommendations within that review were fundamentally flawed?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): No.

ABORIGINES, TOURISM TRAINING

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about indigenous tourism training opportunities.

Leave granted.

The Hon. J. GAZZOLA: Employment opportunities for indigenous South Australians are limited and that is particularly the case in remote indigenous communities. Furthermore, employment for indigenous communities requires specific training opportunities that must be designed for specific community circumstances and must include a significant cultural aspect. Given that information, my question is: will the minister inform the council what programs the state government has in relation to tourism training opportunities for indigenous communities?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important question. One of the things that the communities—remote, regional and metropolitan—require is opportunities to break the poverty traps and become involved in tourism projects where possible. In relation to TAFE courses and the tourism businesses that are now starting to be put together, in March 2002 the Mimili community in the APY lands invited staff from the tourism program of the Onkaparinga institute to discuss with them their vision for setting up a tourism business in their region.

That is a major breakthrough in the region in relation to opening up the APY lands, because they have been closed and access has been restricted, and general tourism is still based on a permit system. The Musgrave Ranges are in that area, and those members who have been fortunate enough to go there would know that they present a wonderful opportunity for a tourism venture. One of the things that must be negotiated with the APY is the liberalisation of the permit policy so those opportunities can be created.

That was the result of the work of the Onkaparinga TAFE and it is good to see that the traditional ties between the remote and metropolitan regions of TAFE, which were dismantled under the previous government, are being built up, as has already been done in the Coorong, where the community has been assisted to establish an indigenous tourism operation. Funding was provided by Tourism Training SA through the federal government's Structured Training and Employment Project for the development of a business structure, training and uniforms. Site trips of the Coorong Wilderness Lodge were arranged for Aboriginal elders and trainees to witness the operation first hand. I pay tribute to those people at the Coorong Wilderness Lodge who provided that training and support and I urge all those who have not done so to visit the Aboriginal Coorong camp as soon as possible. You will be made welcome.

The Hon. A.J. Redford: I am not sure why Tourism SA does not use you as a front man.

The Hon. T.G. ROBERTS: This is partly a free advertisement. Mimili Maku Tours was established in 2002 and opened for business in July 2003. Eleven students commenced their training in September 2002 and were employed by Mimili Maku Tours as trainees. So, the trainee partnership program that was set up started to work; the linkages between the metropolitan and regional remote TAFEs is in place, and the students who have been trained have been picked up. This is one of those success stories which hopefully will continue.

There are many non-Aboriginal wilderness and environmental tourism program operators in regional areas that are prepared to take on Aboriginal advisers, if you like, and support staff to bring about a new dimension in environmental tourism by having culture and heritage tourism built into those programs, particularly for overseas tourists who are now making demands on that style of tourism, and hopefully we can gain a lot more out of it. South Australia has a lot of opportunities in remote regional areas, and hopefully the TAFE courses and the cooperation between communities will meld together so that international, national and local tourism bodies will work together to increase those numbers and the poverty traps affecting Aboriginal people in remote areas can be broken.

VACCINATION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about vaccination.

Leave granted.

The Hon. SANDRA KANCK: According to the Minister for Health's media release of 11 January, the 'coast run' immunisation for meningococcal C aimed to target the hard

to reach 15 to 19-year-old school leavers group, yet I have received information that indicates that the South Australian Immunisation Coordination Unit of the Department of Human Services vaccinated some primary school aged children, that in some cases verbal and not written parental consent was given (in one case over the phone), and that the staff undertaking the exercise were wearing T-shirts and caps described by the minister as distinctive but which were emblazoned with a drug company's name.

My office has been informed that staff were heard to entice the primary aged children to be vaccinated with comments such as 'You get a lolly and a showbag' or 'You won't get a frisbee at school', and that these comments were directed towards the children rather than the parents whose consent was required. My questions to the minister are:

1. How many people were vaccinated and what were their ages?

2. What was the cost of the program and what was the extent of corporate sponsorship?

3. Were all patients advised to stay close for observation for 15 minutes following vaccination? If so, were any side-effects from the vaccination observed by staff or self-reported; in which case, what were they?

4. Were cold-chain temperatures between two degrees and eight degrees Celsius maintained and were cold-chain monitor cards used to verify that the cold-chain was not breached?

5. Does the program of vaccination on the beaches meet NH&MRC guidelines, including those for informed consent?

6. Does the minister consider the slogan 'Do you need a jab?' appropriate for the targeted 15 to 19-year-old age group?

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

VOLUNTEERS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Volunteers a question about volunteers.

Leave granted.

The Hon. A.L. EVANS: I recently received correspondence from the Association of Apex Clubs (South Australian branch). Apex was formed in 1931 in Geelong, Victoria and is the only service organisation founded in Australia. There are currently 44 clubs spread throughout South Australia with 600 members between the ages of 18 and 45. In 1999, Apex's total insurance cost was $149 000. In 2004, the cost of insurance had increased to $300 000. As a sector of the community, volunteers represent 37 per cent of the population of South Australia. My questions are:

1. Will the minister advise whether work has been undertaken to consult with volunteer groups and organisations to hear first hand the serious situation these organisations face in relation to public liability costs?

2. Will the minister investigate the current situation affecting volunteer groups and organisations in relation to the enormous cost of public liability insurance? If not, why not?

3. Will the minister investigate the establishment of a facility for South Australian incorporated community clubs to utilise, with the aim of reducing the cost of insurance? If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his questions. I am not sure whether to refer those questions to the Premier, who has responsibility for volunteers, or to the Treasurer, who has responsibility for insurance matters. However, I remind the honourable member that, on the very last day of sitting last year, this council passed some important reforms (the Ipp reforms), the point of which was to reduce the cost of insurance to the community.

All members of this council are concerned about the increases in public liability insurance that covers not only volunteers but also a number of important and key professional groups within the community. That is obviously why the commonwealth and states, through the treasurers, have been undertaking a significant legislative reform program to try to keep those insurance costs in check. However, I will obtain more information from the Premier or the Treasurer.

WORKCOVER

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about WorkCover.

Leave granted.

The Hon. A.J. REDFORD: Yesterday, I raised the issue of WorkCover's activities in Europe, where it chased my constituent around France with a camera and hid behind bushes. Mr President, you might be surprised, but that is not the full extent of WorkCover's activities involving my constituent.

My constituent suffers from a serious decompression illness arising from poor occupational health and safety standards that existed in the diving industry in the early 1990s. WorkCover has spent over $80 000, including over $18 000 on its French activities, on investigations, medical reports and claims agents, etc., to see whether it can force him out of the system.

WorkCover has extended its activities to my constituent's wife in a most extraordinary way. His wife is a Russian citizen who has assisted him in many of the day-to-day activities, such as driving to doctors, that you or I take for granted. She is not and never has been the recipient of WorkCover benefits. She is an immigrant to Australia struggling to make a life for herself in this country; I am sure that everyone here understands that that is not easy.

On 8 January this year, my constituent's wife issued an FOI application seeking documents where she is 'present in any video or other evidence'. In addition, she sought all information relating to her held by WorkCover collected both in Australia and overseas. She indicated where the information may be held and the claims file number.

On 6 February, she received a response. First, WorkCover disclosed the existence of 11 documents on this man's wife. Secondly, it refused to disclose seven of those documents, including a refusal to describe even one of them. However, it did disclose that it had sought details of a drivers licence to check that he was not driving himself everywhere and to substantiate his claim that she was providing assistance.

Disturbingly, the documents also disclosed that WorkCover had sought details of my constituent's residency status from the Department of Immigration. In its request, WorkCover described this woman as 'apparently, a Russian citizen who married an Australian in and about 2001 and has travelled in September 2002'. DIMIA advised WorkCover

that she was the holder of a provisional spouse visa. One might ask what this has to do with this WorkCover claim. This has caused her extreme distress. In that respect I make no criticism of DIMIA, which complied with its obligations under its privacy principles. It trusts agencies like WorkCover to have a justified reason to intrude into people's private affairs.

When my constituent's wife saw me last week, she was extremely distressed: she was in tears. She is a Russian woman who has done nothing wrong in a foreign country and is trying to make a future without being photographed, videotaped and crawled over by a government agency. She is concerned that such inquiries will affect her application for permanent residency. She cannot understand why she is being investigated. 'What have I done wrong? Why is WorkCover hounding me?' she asks. They are some of the questions she has asked. In light of this extraordinary disclosure, my questions are:

1. Does the minister approve of WorkCover checking on the residency status of spouses of WorkCover claimants?

2. Is there any suggestion that WorkCover needs this information for any reason under DIMIA's privacy principles, and if so which one?

3. For what purpose was this information needed?

4. Was WorkCover checking to see whether there might be a possibility that my constituent was leaving South Australia for the purpose of deciding to make an offer and, if so, how much was that offer?

5. Will the minister check and assure parliament that the WorkCover request to DIMIA fell within the guidelines set out in the privacy principles issued by DIMIA?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Industrial Relations and WorkCover and bring back a reply.

AUDITOR-GENERAL'S REPORT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Treasurer, a question about the Auditor-General's Report tabled in parliament on 16 February 2004.

Leave granted.

The Hon. J.F. STEFANI: On 19 December 2003 the Treasurer, the Hon. Kevin Foley, released a press statement entitled 'Government moves to fix robbing Peter to pay Paul budget chaos'. In his press statement the Treasurer announced the following:

> Cabinet has made a decision to call in independent accountants, with the knowledge of the Auditor-General, not only to check over what has been unearthed but to help us to set up a proper sustainable accounting system for the future.

I now refer to an article in *The Advertiser* of 27 December 2003, written by Craig Bildstien in which he claims that *The Advertiser* had obtained a letter that was written by the Auditor-General's office to the DHS. The letter states:

> . . . which appears to support claims this week by Treasurer Kevin Foley that DHS siphoned housing money into hospitals.

The letter which was referred to in Mr Bildstein's article is dated 29 April 2002 and was written by Mr Simon Marsh, Principal Audit Manager of the Auditor-General's Department to Mr Frank Turner, Director, Finance Services of the DHS. This letter has been included on pages 32 and 33 of the Auditor-General's Report tabled in parliament.

I now refer to pages 34 and 35 of the Auditor-General's Report which detail a letter written on 4 September 2002 (some five months later) by Mr Frank Turner, Director Finance Services of the DHS, responding to Mr Simon Marsh, Principal Audit Manager of the Auditor-General's Department, concerning the cash balances referred to in his earlier letter of 29 April 2002. I also refer to another article published by *The Advertiser* on 2 January 2004 and written by Mr Craig Bildstien. He refers to leaked correspondence between the Auditor-General's office and the DHS' finance unit which shows that Mr MacPherson had concerns in early 2002. In the same article Mr Bildstein concludes as follows:

> . . . but a review of the annual reports fails to show anywhere that he publicly reported the problem.

The article continues by posing a number of insinuating questions about the office of the Auditor-General. Given the seriousness of these insinuations and innuendos, and in view of the information contained in the Auditor-General's report tabled in parliament on Monday, my questions are:

1. Will the Treasurer give an unequivocal assurance to the parliament that he did not provide Mr Craig Bildstein of *The Advertiser* with a copy of the 29 April 2002 letter from the Auditor-General to Frank Turner of DHS?

2. Will the Treasurer give an unequivocal assurance to the parliament that no other member of the Rann Labor government, members of his staff, or any other political staffer of the Rann Labor government provided such a letter to *The Advertiser*?

3. Will the Treasurer have the source of the leak investigated?

4. Will the Treasurer give an explanation to the parliament as to the reason why Mr Frank Turner took five months to respond to Mr Simon Marsh of the Auditor-General's office?

5. Given that the issues raised in *The Advertiser* of 2 January 2004 were factually incorrect, and created harmful and false innuendos that could undermine the public confidence in the audit process of the state and the office of the Auditor-General, will the Treasurer explain to the parliament the steps he has taken to correct the false innuendos published in *The Advertiser* by providing Mr Bildstein with all appropriate information which was readily available to him as Treasurer, including the important information contained in the second letter now published in the Auditor-General's report?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will get a response from the Treasurer. I should point out—and I think the opposition should listen to this, because, after all, the reason the Treasurer had to make his comments in the first place was the absolutely appalling financial management that occurred in the Department of Human Services under the previous minister, Dean Brown. Of course, this man was the treasurer. The leader of the opposition was the treasurer. He was the treasurer of the then government that sat by while this happened. Let me read, for the benefit of the council, what the Auditor-General said in his report:

> On 19 December 2003, the Hon. K Foley MP, the Treasurer, released a press statement titled: '*Government Moves to Fix 'Robbing Peter to Pay Paul' Budget Chaos*'. The Treasurer's press statement was made following a review of budgetary/accounting/managerial arrangements within the Department of Human Services (DHS). The concerns raised by the Treasurer are, in my opinion, well founded, and in many cases reflect concerns raised by Audit over a period of years.

Years, of course, when the leader of the opposition was the treasurer and when we know that nothing was done. The Auditor-General continues in the introduction to point out—and this relates to the question that was asked by the Hon. Julian Stefani:

> In my opinion, several of the issues that have been publicly raised following the issue of the Treasurer's press statement, apart from being factually incorrect, have the tendency to undermine public confidence in the governmental audit processes of this state.

There is a footnote after 'the Treasurer's press statement' which I will read out for the benefit of the council:

> It is to be emphasised that there is nothing in the statement by the Treasurer that gives rise to the concerns that are addressed in this report regarding the discharge of Audit responsibilities.

I believe that those comments from the Auditor-General put those events in their appropriate perspective.

The Hon. A.J. REDFORD: I have a supplementary question. Given that the Minister for Emergency Services made numerous allegations that the Auditor-General will adversely report against the member for Mawson, the Hon. Robert Brokenshire, will the Treasurer investigate whether or not the Minister for Emergency Services—

The Hon. P. Holloway: I have a point of order, Mr President. This is scarcely a supplementary—

The PRESIDENT: If the question is to do with the Auditor-General's report or the matters raised by the Hon. Mr. Stefani, it is in order; if it is not, that subject is not in order. So, proceed on that basis.

The Hon. A.J. REDFORD: I can assure you that it relates to access to documents in relation to the Auditor-General's office, which was exactly the point that the Hon. Mr. Stefani raised. My question is: given that the Minister for Emergency Services made allegations, will the Treasurer investigate whether the Minister for Emergency Services has had improper access to Auditor-General's documents in relation to the former minister for emergency services?

The Hon. P. HOLLOWAY: I do not believe that that is a genuine supplementary question. If the honourable member wants a response, he should put the question on notice. It is clearly quite a separate issue to the matters raised in the question, and that is an abuse of the supplementary question guidelines.

Members interjecting:

The PRESIDENT: Order! I have reflected on the question, having heard the full question asked by the Hon. Mr Redford. I take on board the comment made by the minister: the subject is similar but does not relate to the question asked by the Hon. Mr Stefani. Therefore, the minister has the right to decide whether or not he answers the question. Two days ago, I expressed my concern that supplementary questions were getting a lot of explanation and that some were testing the bounds of credibility as to their association with the original question.

The Hon. J.F. STEFANI: I have a further supplementary question. Will the Leader of the Government in this chamber concede that the operation of this budget and financial management reported in the two letters now tabled in the Auditor-General's Report are under the stewardship of the Labor government?

The Hon. P. HOLLOWAY: As I pointed out a few moments ago, the events that arose in the Treasurer's original comments and the matters of financial management relate to the operation of the Department of Human Services over many years.

OFFSHORE EXPLORATION

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding offshore exploration.

Leave granted.

The Hon. CARMEL ZOLLO: South Australia remains relatively unexplored for offshore oil and gas deposits. There have been substantial finds of oil and gas in the Victorian and Tasmanian sections of the Otway Basin, which extends into the South-East of the state. A number of other areas in the state are prospective for oil and gas. My question is: has there been any development in relation to oil and gas exploration in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I can tell the council that two subsidiaries of the major US explorer Kerr-McGee will invest $2.7 million over the next three years in the search for oil off the South Australian coast, and possibly up to $5.15 million during the next six years in a new offshore exploration permit. The level of offshore petroleum exploration in southern Australia is continuing to increase, and the current level of prospective areas under licence offshore South Australia is at an all-time high. From 2004 to 2008, more than $113 million is expected to be spent exploring South Australian offshore basins, including the drilling of at least three deep water wells.

Recently, along with the federal resources minister, Hon. Ian Macfarlane, I announced the awarding of the new permit (EPP 33), which covers 5 480 square kilometres and is approximately 50 kilometres offshore from Robe. It lies in commonwealth waters jointly administered with the South Australia government. Water depths across the permit vary from 100 to 2 500 metres. The permit has been awarded to Kerr-McGee North-West Shelf Australia Energy Pty Ltd and Kerr-McGee Australian Exploration and Production Pty Ltd. Their exploration program will target the potential for large accumulations of oil in deep water.

The prospectivity for this area for possible large oil subsurface accumulations was established by pre-competitive studies conducted by PIRSA's Petroleum Group. These potential accumulations are similar to those in prolific gas and oil provinces elsewhere in the world where gas finds dominate trends close to shore and oil dominates in deeper water off the continental shelf. The South Australian offshore Otway Basis is a frontier exploration province, which is attracting new interest as a result of five major offshore petroleum discoveries since 1994 in Victorian and Tasmanian waters in a similar geological setting.

One of these discoveries, BHP Billiton's Minerva field, will be one of the sources of gas transported in the SEAGas pipeline now supplying Adelaide. These interstate discoveries have focused attention on the extent of the Otway Basin offshore South Australia that remains underexplored. Kerr-McGee's commitment to this region will assist in finding the potentially large petroleum resources in the offshore Otway Basin. Applications for the area were invited under the Petroleum (Submerged Lands) Act of 1967 and initially closed on 10 April 2003. Following the absence of a successful bid, the area was rereleased and made available again for bidding until 25 September 2003.

Under the work program bidding system, applicants are required to nominate a guaranteed minimum dry hole exploration program for each of the first three years—the permit term—and a secondary program for the remaining three years. Each component of the program must be completed in the designated year or earlier. Permits are awarded for an initial term of six years. I thank the honourable member for her question and warmly welcome this interest in one of our highly prospective offshore basins.

ADELAIDE REMAND CENTRE

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question relating to the Adelaide Remand Centre.

Leave granted.

The Hon. IAN GILFILLAN: In 1997 the percentage of the prison population on remand in South Australia was 18 per cent. By 2002 the figure had risen to 33 per cent (these are people held in custody pending trial). The majority are held at the Adelaide Remand Centre. During 2001-02 the daily average number of people on remand at the centre was 208. The correctional services web site says:

> The remand centre is capable of accommodating up to 247 male people who have been remanded in custody by the courts. About 60 per cent of these people are released on bail or do not receive a custodial sentence. Experience indicates that a person on remand is more likely to attempt to escape or commit self harm and mainly for that reason the Remand Centre is a high security prison.

I note also that, while the Remand Centre accounts for 17 per cent of the prison population, it has over 30 per cent of the incidence of violence between offenders. In addition, in the year 2000, while 17 per cent of the Australian prison population were remandees, 30 per cent of prison deaths were remand prisoners. Luke Grant, Assistant Commissioner of the New South Wales Department of Corrective Services, recognised this problem in a paper on 'Current Issues in Correctional Treatment and Effective Counter Measures', in stating:

> Remandees are, generally speaking, much more unsettled than convicted inmates, who largely accept their situation and try to adapt to prison life.

Further, a paper presented by Professor Rick Sarre, Associate Professor at the University of South Australia, David Bamford, Senior Lecturer at Flinders University and Sue King, also a lecturer at the University of South Australia, to the Evaluation in Crime and Justice: Trends and Methods Conference convened by the Australian Institute of Criminology held earlier this year, noted that there is even 'some research suggesting that remandees have a higher risk of being convicted, receiving a heavier sentence than similar defendants who were granted bail'. AIC reports indicate that well over half the remandees in South Australia spend longer than a month in custody. Over 20 per cent spend longer than three months, with a number remanded in custody in excess of a year.

It is widely known that in South Australia there is a dramatically disturbing situation relating to the percentage of remandees and their accommodation. My questions to the minister are:

1. How many social workers are available for remandees at the Adelaide Remand Centre?

2. What programs and assistance are available to remandees to help them understand their situation and their rights at the Adelaide Remand Centre?

3. What programs and assistance are given to remandees who are released on bail or do not receive a custodial sentence in moving back into the community?

4. The minister may like to make his own observation on my belief that the current trends in increase in penalties, which is the current rage of the government, will dramatically further exacerbate the problems we are seeing in our Correctional Services. Nonetheless that will impact on the remand centre and remandees.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his continuing interest in prison reform. The member's interest is obvious from those questions. To answer the last question first, the issue of sentencing procedures is a matter for the justice department. The increasing risk of having extra prisoners in the system in the coming years is being dealt with in relation to our projections based on current trends. Modest growth is predicted. There is a program to match the modest growth, with new cells for those whose sentences demand it and whose crimes fit that need. Work is also being done in justice with respect to sentencing options and trying to use measures other than prison, particularly for remandees (and, in particular, for those who have come up against the justice system for the first time). I think the situation will be much bleaker for recidivists and those who keep appearing before the courts. The sentencing options will be used based on current trends.

The honourable member is correct in saying that it is much harder to assess and process remandees, particularly if they are in custody for less than 16 days, which is the case for the majority. Many of those remandees are coming before the courts and going into the gaol system for the first time. It is a traumatic process for a lot of those remandees, many of whom are young and many of whom probably will not continue in a life of crime; that will be the only time they will come before the justice system. Generally, they are the ones who are the most difficult to manage.

There are a number of reasons why South Australia's remand rate is higher than that of the rest of the nation. The justice system is looking at those trends. There is a number of projected solutions for alternatives to Yatala for remandees. Although Yatala has a high percentage of remandees (the remand centre, as the honourable member has noted, is at capacity), it has been modified to ensure that the remandees are kept safe. Inherent in the member's question is that some of those remandees could possibly be redirected away from the prison system and into alternative sentencing procedures, and we are looking at that matter. For a considerable time (and certainly preceding this government) Yatala has housed a significant number of remand prisoners. That is a feature of our system, and Yatala is certainly capable of handling such a group of prisoners. We do have a high remand rate, and the prison system has to ensure that we can manage what comes out of the courts. We will be looking at the continuing issues associated with remand. Bail hostels have been—

The Hon. Ian Gilfillan: Do you have the details of how many social workers are working within the system?

The Hon. T.G. ROBERTS: I will have to refer that question to the Minister for Social Justice. I can obtain those figures for the member. The other important issue is how many people are available in community corrections on release. I can report that, having visited many of the

community corrections areas in metropolitan Adelaide, I know that the standard of support that is being given to those people is quite high. South Australia has a high volunteer rate within the prison system, which we could not do without, but I will refer the question with respect to the number of social workers within the system to another minister and bring back a reply. The other question related to bail. I mentioned that we are looking at bail hostels, and we will try to put together a series of alternatives in the sentencing system to accommodate the prison service.

The Hon. NICK XENOPHON: I have a supplementary question. Does the word 'concise' mean anything to the minister?

The PRESIDENT: Order! That is not a supplementary question and I rule it out of order.

MATTERS OF INTEREST

EMPLOYMENT CONTRACTS

The Hon. R.K. SNEATH: In the coming weeks we hope to see the introduction into this place of an industrial relations bill. Today I would like to touch on one of the reasons such a bill should be introduced sooner rather than later. I have come across a copy of a Terms of Employment—Non-Award document put together by the Jumbuck Pastoral Company. I take this opportunity to draw to the attention of members of this place the rates and conditions in this heartless document, to which the only contribution the employee made was to put their signature on the bottom of the page—out of desperation for a job. I will read into the *Hansard* some of the clauses in this agreement, as follows:

> I agree that my ordinary gross salary is $321.70 per week from which keep and board will be deducted as per the Federal Pastoral Award.

That is not bad for a non-award agreement! It continues:

> Hours of work: It is agreed my salary allows for longer than normal hours, i.e. 40 to 50 hours per week. Working hours will be as demanded by work undertaken and hours varied, with long hours during seasonal work, especially involving stock.

That is all for $321.70! It continues:

> I agree that after twelve (12) months continuous employment, I shall be entitled to four (4) weeks annual leave. . .

That is without any loading. It also states that sick leave will be paid at the rate of 40 hours per year, which is about five days fewer than most award conditions. The gross hourly rate of $321.70 divided by 50 gives an hourly rate of $6.44 per hour. If it is divided by 40, it gives a gross hourly rate of $8.05 an hour. Because rates of pay are $321.70, less keep of $88.69, less tax on the gross amount of $60, the take home pay is $173 a week.

The net hourly rate for 50 hours which the agreement wants them to work is $3.46. The net hourly rate for 40 hours is $4.33. I am not sure what the unemployment rate for a single person aged 19, 20 or 21 is, but I am sure it would be equivalent to $4.33 an hour, or more—hopefully more. I wonder how they intend to encourage these young people to go to places such as Commonwealth Hill where this lad was employed. For members of the opposition who do not know where Commonwealth Hill is—and I am sure they would not—it is about 200 kilometres north-west of Glendambo. For the past fortnight, the temperatures there would have ranged between 36 and 48 degrees in the shade.

From talking to the people who represent this young fellow, I understand that he was working 13 hours a day mustering during the shearing with no overtime penalty rates and that the flat rate of $321 per week ($173 net) was applied. And he was working in 36 to 48 degree heat on a motorbike which, under instructions from the employer, had to have 17 punctures before a new tube would be put in the tyre. That was another of the conditions of work that applied.

The Hon. J.M.A. Lensink interjecting:

The Hon. R.K. SNEATH: I am sure the Hon. Ms Lensink would agree with these wages. If she owned a station adjacent to Commonwealth Hill, I am sure she would probably draw up a similar document. This document is not registered, as far as I can see, and it has not been before the Industrial Relations Commission. It would be interesting to see whether this document has come out of a Third World country and been copied. I am sure that if people knew that their children were working up there for $3.46 an hour they would be disgusted.

PARAFIELD GARDENS HIGH SCHOOL

The Hon. J.S.L. DAWKINS: In December last year I was privileged to be invited to the Parafield Gardens High School to present awards to students who participated in the Australian Business Week Program. Australian Business Week Limited (ABW) is effectively a coalition of state departments of education, universities and major businesses. ABW Enterprise Education is an intensive learning experience conducted over one week within the school environment. It has been developed to give young people the opportunity to learn about business from the perspective of business proprietors, as well as working with educators from leading schools and universities.

Parafield Gardens High School conducted the ABW hospitality simulation program with 90 year 10 students. This program challenges participants to take over and run a full-service hotel. Products that a hotel business sells are: the occupancy of its rooms, the rental of its conference spaces, and meals and drinks, as well as a variety of sundry items. This model is concerned with occupancy levels and yield per room. Allocated into nine teams, the Parafield Gardens students assumed roles such as: CEO, finance officer, operations team personnel and marketing team personnel. Via computer simulation, each team ran a hotel or a chain of hotels for a simulated period of two years over five days. Each quarter (twice a day) teams had to make up to 45 decisions ranging from room charges, payments to staff and dividends to be paid to shareholders. These decisions were made on a predicted room occupancy rate per room type for the next quarter provided to each team immediately prior to their decision meeting.

Guest lecturers made daily presentations on topics such as financial management, operations management and marketing. In addition, each team was assigned a mentor from the business community and a teacher mentor to assist the teams to work through the various issues and to understand the complexities of the finances involved. On the final day of the program, teams had to hand in a business report, create a trade display to advertise their particular hotel enhancement, present an oral report to prospective sharehold-

ers, and present a video commercial—all for judging. Awards were given to the best performing team in a simulation for each quarter; the best performing team over the full eight quarters; the best trade display; the best written business report; the best oral presentation; and the best video commercial. I was delighted to have the opportunity to witness this demonstration of an example of the high quality teaching and learning that takes place at Parafield Gardens.

As someone who is passionate about the development of young leaders, I was pleased to participate, in a small way, in this excellent program. ABW Enterprise Education fosters and develops enterprise skills so that students are better equipped to create and manage personal, community, business and work opportunities.

Congratulations to all the participating students and to Judi Thornley, Vocational Education and Training Coordinator at Parafield Gardens and Wendy Teasdale-Smith, the then principal, as well as the business mentors, lecturers and staff who contributed to the success of the program. While visiting Parafield Gardens, I was pleased to be interviewed for the school newsletter, which I received electronically the next day. In that interview, I commended Parafield Gardens High and other schools which encourage their students to look around and see whom they can help in the community. In conclusion, I was most impressed by the attitude and enterprise of the young people involved in the program. I believe it was a wonderful advertisement for Parafield Gardens High School which had, unfortunately, received some negative publicity in the city media in the weeks prior to the conclusion of the program. I was delighted to be involved in the positive work that Parafield Gardens High School is doing in the community.

EMPLOYEES, CASUAL

The Hon. J. GAZOLLA: Last year I spoke to the council about the problems confronting part-time and casual workers in the move to further casualisation in the workplace. At the time, I spoke about the worrying degree of casualisation and the ruling by the Industrial Relations Commission on an application brought by the Australian Services Union, South Australian and Northern Territory branch, for casual workers under the Clerks' SA Award. I highlight the national figures on part-time and casual workers. The actual total number of part-time and casually employed people for 2002 was 2.67 million, while the figure for casual employees for 1998 was 1.95 million. That is around 64 per cent of part-time employees. The recent figure for casuals in South Australia is about 31 per cent of the current work force, representing almost 173 000 people. This places South Australia as the second most casualised labour market in the country.

Many people choose casual and part-time work for convenience and lifestyle reasons, but this is not the full story. Casual workers, in particular, are disadvantaged. In general they have no access to paid sick leave, annual leave, redundancy payments or job security. The following figures also hint at the additional burden facing these people. Figures for 1999 show that 33 per cent of casual part-timers wanted to work longer hours compared to 19 per cent of permanent part-timers. A 2002 ACTU survey found that almost 50 per cent of casuals wanted to work on a full or part-time basis. Around 10 per cent of casuals have more than one job. Couple these figures with the overall growth of labour hire employment, the latest figures show that the number of workplaces using agency workers increased 50 per cent and that more than half of the enterprises with 500 or more workers used agency workers. The current labour market is showing a growth in dependent contractors and labour hire employees such as in call centres and hospitals.

It was pleasing to note last year's decision by the full bench of the State Industrial Commission to grant the application by the Australian Services Union in determining that casual employees under the Clerks SA awards are eligible, whether part or full-time, to convert to permanent status after a year on the job. This decision means that the state Industrial Relations Commission has signalled that there needs to be some regulation of the proliferation of casual employment under this important award. Needless to say, this important outcome was achieved in the face of vigorous opposition from employer representatives. It was a decision that took five years to achieve from initial application to conclusion. This was an important beginning in the fight against the inequities of casualisation.

As expected, the battle for the rights of casual employees under this award did not end there. Subsequent to the decision of the SAIRC, the Australian Services Union, on behalf of thirty-seven casual employees employed by three hire companies, notified the companies that the employees intended to convert from casual to full-time or part-time permanent employment. Their requests were refused, with thirty-five obtaining alternative employment and the remaining two lodging, through the Australian Services Union, a notification of dispute. The commission found the two employees eligible for conversion and that the hire company had breached its obligation under the award and had insufficient grounds to refuse the employees' request.

In closing, this decision, probably the first of its kind in Australia, marks an important step in recognising the rights of casual workers in regard to the entitlements that permanent workers enjoy. The union movement is doing its bit to make South Australia an attractive place for secure and permanent employment. I believe the decision will assist young South Australians seeking meaningful and permanent employment to remain in South Australia. I congratulate the Australian Services Union, in particular Branch Secretary, Anne McEwen, Assistant Branch Secretary, Andy Dennard and ASU members, Soraya Kelly and Vicki McCarthy. I commend the decision to the council.

MINISTERS, PERFORMANCE

The Hon. D.W. RIDGWAY: I rise to speak on the matter of ministerial incompetence. The government is presently deficient across many areas. There are three key portfolio areas that particularly concern me. Members hardly need me to point out which they are: transport, industrial relations and recreation, sport and racing. Allow me to begin with the mishandling of transport under the present government. After nearly two years South Australia still has no transport plan. The much touted transport plan is meant to be a framework for delivering improved public transport and safety for all road users. However, we are yet to see a document that can be implemented.

The Executive Director of Bike SA has also called on the minister to release the transport plan amid fears that the safety of cyclists and pedestrians may be compromised. Apparently, a document like this takes longer to prepare than regulations permitting revenue-friendly red-light and speed cameras. I have no objections to motorists being fined for breaking the speed limit. However, like most South

Australians, I would like to know where all the revenue is going. I note that the community and road safety fund has been established, but was it just another case of minister Wright making hollow promises? The South Australian public deserves to know what the money in the fund is being spent on: whether it is road upgrades or better policing.

Whilst trying to maintain his smooth and unflappable image, minister Wright must surely be sweating, given talk of a reshuffle. His bungling of the industrial relations portfolio must be making him nervous now that a back bench seat is on the cards. Maybe the minister could add to the burgeoning unfunded liability of WorkCover by putting in a claim for stress, given the problems he has encountered overseeing the corporation. The minister has presided over a $519 million blow-out of WorkCover's unfunded liability. That figure does not include the extra from the asbestos claims from the Whyalla shipyards. These asbestos claims are estimated to reach anywhere from $49 to $598 million. This would bring the total estimates for WorkCover's unfunded liabilities in excess of $1 billion.

This is a debacle that will rival the State Bank if this government is not careful. And where was minister Wright when the news hit? After cancelling the leave of his CEO of Transport SA, in a vain attempt to reign in the problems the entire department was facing, minister Wright took off on an overseas holiday leaving his department to sort out the mess themselves in a typical double standard that the government revels in. Perhaps 'out of sight, out of mind' is his philosophy.

Certainly, 'out of sight, out of mind' applies to his letters. Two years to respond to a simple inquiry must be a record among ministers. Minister Wright's disdain for correspondence from the opposition is well known. Letters from the shadow minister for transport have taken nearly 12 months to receive a response. Maybe he does not have any answers or maybe he is afraid to leave a paper trail that implicates him when he is on the back bench.

Industrial relations have certainly suffered under minister Wright's leadership. A series of rolling work bans, implemented by the Public Service Association, has been mishandled and the minister has allowed the PSA to drain the state's revenue by implementing stop-work bans and neglecting key services. Surely the PSA has had enough of these protracted negotiations. Its spokesman announced recently on ABC Radio that it is ready to strike if the government does not increase its offer. Even the Premier's ministerial code of conduct, released in May 2002, states:

> Ministers are expected to ensure that the public servants are deployed for the maximum benefit of the people of South Australia.

I wonder what kind of benefit striking public servants gives the taxpayers.

Recreation, sport and racing has largely been ignored by minister Wright as he struggles with more problematic portfolios. At a recent racing event, onlookers were so disinterested in listening to the minister that you could not hear him because of the conversations going on elsewhere in the room. I think if minister Wright were a racehorse they would have called for the white sheet by now. It is not just the racing industry that has no time for minister Wright but other key groups within his transport portfolio are unhappy with his performance. The South Australian Boating Council and the South Australian Recreational Fishing Advisory Council have both called for minister Wright's resignation due to his alarming lack of acknowledgment and action concerning boating facilities. Rumours among interest groups within his portfolio all suggest the same thing: Premier Rann, when you reshuffle you portfolios, please do not forget to discard the joker from your pack.

SEXUAL HEALTH AWARENESS WEEK

The Hon. KATE REYNOLDS: Following last year's furore over the trial introduction of the Sexual Health and Relationships Education program, known as SHARE, which has been introduced into South Australian schools, I stand here today hopeful that those opposing the program may learn something during this week—Sexual Health Awareness Week. The week which runs from 14 to 21 February this year carries the theme 'Whatever Your Flavour. . . Enjoy Safety, Pleasure, Respect.' It has been designed to target 18 to 30 year olds and brings together government departments, health sector workers, social workers, youth workers, and other non-government organisations that work with young people. Activities will be held right across the state and in many cultural communities.

The week focuses on increasing access to accurate information and developing the skills and knowledge of South Australians to make healthy life choices so that they can take control of the decisions which affect their sexual health. It is also about encouraging individuals, groups and communities to start talking more honestly and openly about sexual health and well-being, including discussions about relationships and sexuality. So, this week is about encouraging everyone to get involved and to take greater responsibility for their sexual health. As we know, from the anecdotal evidence and the available data, unfortunately sexual health is not always seen as important by young people until it is too late. Other issues relating to employment, alcohol, drugs, homelessness, transport and abuse often take priority. Low self-esteem, feelings of powerlessness and limited knowledge also impact on young people's decision-making abilities and, of course, often these issues can be interrelated. They can also lead to behaviour that can put young people's sexual health at serious risk.

It is important to raise the profile of sexual health so that young people will think about what they can do to improve their health and well-being both now and for the future. Sexual Health Awareness Week is about focusing the spotlight on sexual health before it is too late. It also aims to send the message that sexual health awareness extends past just safe sex and preventing sexually transmitted infections. It is also about open communication, acceptance of individual differences and having realistic expectations and an understanding of sexuality. It is about life, love, relationships and the freedom of safe sexual expression—much like the SHARE program. The week is about educating young people so that they understand what is meant by the term sexual health and encourages them to look at the social, cultural, environmental and behavioural factors that can influence their own health.

There are several major issues that impact on our whole community and on young people. They include sexual assault, violence, discrimination and, particularly, rejection of people based on their sexuality. Australia still has a relatively high rate of teenage pregnancy compared with other developed countries, other than the United States. Unfortunately, young people also get more sexually transmitted infections, particularly chlamydia, herpes and warts, indicating that those young people who are sexually active need

more help to learn safer practices. Sexual Health Awareness Week is about educating young people to reduce those health risks. I note that, on the eve of this campaign, *The Advertiser* highlighted that 95 per cent of the students participating in the SHARE trial have their parents' written consent to be involved and that they are giving the course the thumbs up, as are a range of professionals including the head of the Women and Childrens' Hospital's Department of Psychological Medicine and the Australian Medical Association.

As a mother of two adults and two adolescents, I believe that all young people should be educated about relationships and safe sex choices before they become sexually active, and the SHARE program provides an excellent opportunity for this to occur, particularly because young people can make these decisions within their family's own moral framework. In the past, the Democrats have been very much angered by a campaign of what some people have called homophobic hatred against the SHARE program. Despite this campaign, the program is proving extremely popular with both students and teachers. It has generated considerable support from community-based health educators and commentators on youth issues, and it has received resounding endorsement from the Youth Affairs Council of South Australia.

This program is a positive step towards helping young people become aware of the facts, the fiction and the choices so that they are better prepared to make decisions for themselves about keeping themselves safe and healthy. This, of course, leads us to the fact that we are still waiting for the government's response to the Layton report in relation to child protection. As we approach the one year anniversary since the report was publicly released and we celebrate Sexual Health Awareness Week, we look back on the first successful year of the SHARE program and we note that many people who have been victims of child abuse, particularly sexual abuse, need help to maintain healthy relationships. We hope that those people who wish to keep our young people in the dark reach for the light switch in 2004.

LABOR GOVERNMENT

The Hon. J.M.A. LENSINK: Today, I want to examine the philosophical underpinnings of the state Labor government. I note that it subscribes to this so-called new Labor and Third Way philosophy which has been made fashionable by Tony Blair and, because of his success, has been adopted by several state Labor governments including the governments of Carr, the Carr-clone Mike Rann, and Mark Latham who has even put pen to paper on the topic. Many people might say 'What is it?' Good question. According to the editors of a book called *Left Directions: Is There a Third Way?* it is a new approach to socialism. It is described as a compromise, a search for a middle passage between commitment to socialist concern for equality and community and an acceptance of capitalist market society and private property as the basis for liberal democratic freedoms.

Capitalism is no longer viewed as something to be fought against. Not only is capitalism accepted as a permanent part of the social and economic landscape but also the market society is praised for its productivity, its dynamism and its capacity for innovation. The individualistic thrust of market society is accepted and made the basis for government policy. The role of government is seen as an active one of cooperation with market forces to produce optimum outcomes.

Anthony Giddens, who is a leading British theorist from the London School of Economics—a left-leaning institution—states:

> Government has an essential role to play in investing in human resources and infrastructure needed to develop an entrepreneurial culture.

I note that Carr and Rann's own speech writer, Bob Ellis, cynically said that the Third Way is:

> . . . the same old values but bright new methods for a new, changed, international world; these values did not involve the right to keep your job when profiteers wanted to sack you.

What we recognise in the mantra of the Third Way of this government from the book's description is social investment strategies based on equality of opportunity, limited by the need to stress inclusion as a key community principle, improving the quality of public education, sustaining a well-resourced health service, promoting safe public amenities and controlling levels of crime. A lot of the rhetoric of that statement is reflected in some ministerial titles and new structures set up by this new government.

One of the questions the book seeks to answer is whether the Third Wave is, in fact, neo-liberalism. In fact, Adelaide University's Professor Clem MacIntyre asks the question: is it simply the adoption of a neo-liberal platform by a Labor government desperate for electoral success? If we look at the antics of Treasurer Kevin Foley, he is certainly a man with a mission. I suspect he covets the title 'the world's greatest treasurer'—which formerly belonged to Paul Keating—in his pursuit of his personal holy grail, the AAA credit rating. He has a history of cynically misrepresenting budget positions. In 2002-03, there was supposedly a black hole of $62 million. The Liberal Party was later vindicated in that it was, in fact, a surplus of $22 million. In the meantime, the black hole was used to justify increases in government taxes and charges and directives to keep budgets tight.

In 2003-04, we saw a whole range of taxes and charges increased in the budget, which wiped out the effects of commonwealth funding cuts to South Australians, supposedly necessary to assist the government's budgetary position. Late last year, we saw the Treasurer try to discredit the Liberal Party's deputy leader with allegations about previous accounting practices in the Department of Human Services, which I suspect was to blunt Dean Brown's attack on one of the government's worst performing ministers.

The Treasurer's many attempts at high drama to excite somnolent accountants have been discredited by independent authorities, including the Auditor-General, Access Economics, and his own mid-year budget review. In his media release of 22 December 2003, the Treasurer described himself as being 'like Federal Treasurer, Peter Costello', which is interesting in itself. It goes on to list a number of areas 'Mr Money Bags' (as he was called in *The Advertiser*) has had to backflip on his short leash policy (something like $71.1 million). This demonstrates the inadequacy of the government's budget process in terms of planning. Against a background of additional GST revenue (which is easy money for the states) and windfalls from property taxes, he has managed to upset the left and the 'True Believers'. So what does this government stand for? I would like to know where the Premier and the other ministers—and, indeed, the caucus—stand when it comes to the Treasurer having thrown out all of Labor's great philosophies.

Time expired.

ELDER ABUSE

The Hon. A.L. EVANS: Many elderly Australians enjoy harmonious and respectful relationships with their families and friends, often based on mutual and generous assistance and support. However, there has been a growing awareness that all is not well within this area. In the last 10 years or so the issue of elder abuse has emerged as a significant concern.

In 1998, the Alliance for the Prevention of Elder Abuse (APEA) was formed in South Australia to address the issue of elder abuse. The alliance comprises a number of South Australian agencies that have combined their efforts with a view to improving and challenging the way in which abuse of older people is understood and responded to by service providers.

APEA is comprised of the Aged Rights Advocacy Service, the Legal Services Commission, the Office of the Public Advocate, the Public Trustee and the South Australian Police Department. All these agencies are key stakeholders in relation to the abuse and exploitation of older people and are seen as the last resort in helping them prevent or minimise risk. Their collaboration permits a perspective on the issue of abuse that is comprehensive and multidisciplinary.

As a member of the Alliance for the Prevention of Elder Abuse, the Aged Rights Advocacy Service (ARAS) provides a free, independent, statewide advocacy service for older people, carers and their representatives. The definition of the abuse of older people is:

> An act occurring within a relationship where there is an implication of trust which results in harm to an older person. Abuse can include physical, sexual, financial, psychological, social and/or neglect.

In 2003, ARAS had approximately 1 400 requests for assistance, and of these almost 400 involved issues of abuse. The most common form of abuse was financial exploitation experienced by 36 per cent of the clients. Contemporary research and experience now recognise that elder abuse is a complex problem that requires serious attention. For example, elder abuse affects as many as 4 per cent of older people (potentially 90 000 Australians nationwide). The abuser is most likely someone close to the older person, whom they trust (typically, a family member and most often a son or daughter). Financial and psychological abuse are the most common types; in fact, they are often found together.

There are many reasons for an older person's reluctance to complain about or act to end abuse. Reasons include: fear of repercussions, retaliation or punishment from the alleged abusers; fear of not being believed; or a belief that the family needs to resolve the matter internally. A reluctance to complain may mean that the elder continues to remain in a harmful relationship. Although every situation encountered is unique, some recurring themes are acknowledged, including a feeling of responsibility towards the abuser, if it is a family member.

Where a person holds a power of attorney (POA) for an elder, there may be abuse of that power of access to the older person's finances, either through greed or through a belief that they have a right to have now what will one day be theirs. Some abusive relationships experienced by older people are a continuation of ongoing domestic violence. Lack of knowledge about this type of abuse makes it difficult for older people to anticipate and prevent abusive situations in their lives.

The association, APEA, has been very active in raising awareness of issues concerning older people and how they might protect their rights and safeguard their future. They provide information sessions for the community and service providers and resource material dealing with issues such as enduring power of attorney.

The abuse of older people is a phenomenon that still lacks the recognition of other forms of interpersonal violence, child abuse and domestic violence, yet it is a phenomenon that is likely to increase in Australia. The experience of being abused by someone with whom one has a special relationship is very painful. Resolving the abusive situation may take great courage. Well-established patterns of behaviour need to be challenged, and there may be a risk for the survival of the relationship or accommodation arrangements. Thankfully, APEA is providing support and resources to address this abuse occurring in our community.

STATUTES AMENDMENT (LIMITATIONS ON COIN AND CASH FACILITIES) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Casino Act 1997 and the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

Earlier this week, the Premier (the Hon. Mr Rann) announced that he will personally be supporting the recommendation of the Independent Gambling Authority to reduce the number of poker machines in hotels and clubs in this state by 20 per cent (some 3 000 machines). Obviously, I welcome any move that would reduce the number of poker machines in this state. The Productivity Commission has made it clear that there is a very clear link between problem gambling and the easy access to poker machines in this state.

However, more needs to be done. It is simply not the one measure when other measures could be implemented as well. So, the purpose of this bill is not only to seek the support of honourable members but also to put members on notice that, if this bill is not dealt with by the time the government's bill in relation to poker machine numbers is introduced, I will be moving amendments in virtually identical terms to the government's bill.

In fairness to members, it will not catch anyone by surprise in relation to the measures proposed in this bill. I have bills on the *Notice Paper* that relate to the appeals mechanism for new poker machines, to prevent more addictive machines being on the market, to ensure that alcohol is not served in poker machine rooms and to ensure that the rate of play of machines is slowed down. This bill allows for ATMs and coin cash facilities to be removed from poker machine venues and from the casino precinct.

In relation to ATMs, I refer members to the findings of the Productivity Commission's report on Australia's gambling industry, released at the end of 1999. It is still very much a landmark report—the gold standard of other reports produced internationally in relation to problem gambling. Whilst I do not agree with everything contained in that report, it would be fair to say that it was thoroughly prepared and robustly examined by all interested stakeholders, including the gambling industry.

The Productivity Commission, in chapter 16 on consumer protection, makes reference to ATMs. In its national gam-

bling survey it undertook an assessment of how often people withdrew money from an ATM at a venue when they played poker machines. Table 16.7 of the Productivity Commission report states that 78.2 per cent of non-problem gamblers never withdraw money from an ATM at a venue when playing poker machines; 11.8 per cent rarely; 5 per cent sometimes; 1.4 per cent often; 3.2 per cent always; with 90 per cent of non-problem players never or rarely withdrawing money from an ATM at a venue when playing poker machines. The table also mentions problem gamblers of 'SOGS 5-plus'. That refers to the South Oaks Gambling Screen—a measure internationally accepted in dealing with problem gamblers. Five-plus indicates that you have a gambling problem, that it affects your life and the lives of your family.

That table indicates that 34.6 per cent of moderate problem gamblers never withdraw money at an ATM and 12.4 per cent rarely; but, in relation to those who often or always used ATMs, 16.5 per cent often withdrew money from an ATM at a venue when playing poker machines; and 21.3 per cent always used them. So in total 37.8 per cent of moderate problem gamblers often or always use an ATM at a venue when playing poker machines.

The Gambling Council refers to those in the SOG 10-plus category as severe problem gamblers, some with a pathological disorder or having a serious problem in their life because of gambling, which causes a great deal of disruption. In some cases, people lose their savings, their home or commit criminal offences. The Productivity Commission's national gambling survey indicates that 34.8 per cent of gamblers withdrew money from an ATM often to play the pokies and 23.9 per cent always withdrew money to play the pokies. On my calculations, some 58.7 per cent of severe problem gamblers either often or always withdraw money from an ATM.

In the context of recreational gamblers, removing ATMs altogether from poker machine venues would have a very significant impact in reducing that easy access to cash that has been such a factor in many people accelerating their degree of gambling losses. It would be an inconvenience to recreational gamblers. It would not inconvenience the vast majority of non-problem players—some 90 per cent of them—who never or rarely use ATMs.

There were changes to the Gaming Machines Act in 1996 where venues were required to remove ATMs from within the poker machine room to outside the room and, invariably, it was removed to just outside the room. In discussions recently with the Reverend Tim Costello, previously on the Victorian Interchurch Gambling Task Force, he made clear that in some respects that change made it worse because people would go to an ATM that was, invariably, in the corner of a venue and withdraw their cash and exacerbate their gambling losses. With the many problem gamblers I have spoken to over the years, this is a recurring theme. It is the easy access of cash via an ATM that makes a real difference in accelerating or exacerbating a person's gambling losses and their problem gambling.

Gambling counsellors I have spoken to have made that a common theme and, in relation to submissions made by, for instance, Relationships Australia, in its survey of clients, there has been a very clear link between having that easy access to funds with an ATM and with problem gambling being exacerbated. That is the thrust of this amendment: to ensure that ATMs are no longer available in poker machine venues. It would mean that someone would have to go down the road to gain access to an ATM.

I have acknowledged in the legislation the concerns of the Australian Hotels Association that in regional communities, where there has been the withdrawal of banking facilities—something about which regional South Australians have been very concerned—the hotel often may be the only place where you can obtain cash (and I acknowledge that). If there is no cash facility within three kilometres there is scope for a ministerial exemption. That would be the main argument the Australian Hotels Association would have in respect of not having ATMs in regional communities. I acknowledge that regional communities have been hit hard by a lack of banking facilities. It would not prevent a venue having an EFTPOS facility for the purpose of purchasing food or drink, whether it be take away liquor or having a meal in the hotel, but rather the cash facility of withdrawing funds for the purpose of playing the machines.

The bill also provides for the removal of coin machines within venues—and they still exist within poker machine rooms and in the casino. These machines are where a $10, $20 or $50 note can be inserted into a machine and coins dispensed. The argument I put is that the trend among those involved in the gambling industry has been to train their employees to identify problem gambling. That is what they say they want to do. At contested hearings where I have appeared before the Liquor and Gambling Commissioner—one just a few days ago—the licensee for the proposed venue said that they will always have a cashier there to dispense coins and that they will be trained to deal with problem gamblers as part of their mandatory training. Having a coin machine within a venue seems contrary to the claims of the industry, which says that it is trying to do something about problem gambling.

If they mean what they say, I would have thought that removing coin machines obviates the need for human intervention. In some cases, if a cashier notices that a person is distressed because of their gambling losses, they can have a word with them to advise them to seek assistance. There are some people in venues who do that, and all credit to them. Not having that level of human intervention, which is what these coin machines facilitate, goes against the grain of a responsible harm minimisation measure. Essentially, that is what this bill provides. It is something, as I have indicated, that ought to be dealt with, if not in the context of this private member's bill, then in the context of the government's bill on poker machines. I am putting the council on notice about that, and I believe there may well be similar amendments in the lower house to deal with this matter.

I referred earlier to Relationships Australia and its submission to the Independent Gambling Authority in relation to the proximity of ATMs to gaming rooms. Relationships Australia undertook quite a detailed survey of its clients. It is one of the key agencies that is at the front line of dealing with gambling addiction. One of the statements put to this sample group was: 'I would gamble less if teller machines were located more than 100 metres from gaming rooms.' Of the sample, 65 per cent agreed that if teller machines were located more than 100 metres away from gaming rooms this would reduce their gambling. Some 60 per cent of the agreeing sample strongly agreed; 29 per cent disagreed that this measure would have any impact on reducing their gambling; 11 per cent of the disagreeing sample strongly disagreed. I wish to quote from the submission of Relationships Australia (and this is a common theme

with other agencies that are concerned about problem gambling and deal with it on a daily basis), as follows:

If ATMs were more distantly located from gaming machines it is possible that this would minimise harm from poker machine gambling, because people would have less access to cash in a short time frame for gambling.

A number of weeks ago, I saw an elderly woman who effectively lost her home as a result of her gambling addiction with respect to poker machines. What struck me was her easy access to cash at the ATMs. She made it clear to me that, if she did not have that easy access, it would have made a very big difference in terms of the level of loss, and it would have given her a chance to cool off. There were occasions when she lost an enormous amount of money withdrawn from ATMs.

I note that, in 2001, when the issue of ATM access and the amount of withdrawals from ATMs was dealt with, it was agreed that the Liquor and Gambling Commissioner would liaise with the banking industry. I have put in an FOI request regarding the progress of that matter. My understanding is that the aim, as discussed by various interested parties, was to reduce the amount that could be withdrawn to $200 within a 24-hour period. It seems that there have been some issues on the part of the banking industry about what it says are technical issues. I do not necessarily accept that on the part of the banking industry but, clearly, what was intended three years ago, for at least a clawing back of the easy access to funds, has not materialised, and it may well be that the banking industry bears some responsibility for that. I will reserve judgment until I see the relevant documents that I have requested.

Clearly, the best way of dealing with this issue, if one looks at the Productivity Commission's report in context, is to remove ATMs from those venues and also to deal with the issue of coin facilities, so that there is some guarantee of human involvement from a staff member at a venue when someone wants to obtain change. I seek leave to incorporate in *Hansard* Table 16.7 of the Productivity Commission's report so that honourable members can see it in context.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Is it purely of a statistical nature?

The Hon. NICK XENOPHON: It is headed: 'How often do you withdraw money from an ATM at a venue when you play the poker machines?' and it has a number of sets of figures for non-problem players, problem gamblers (SOG 5+) and problem gamblers (SOGS 10+). It sets out various percentages and the like.

Leave granted.

How often do you withdraw money from an ATM at a venue when you play the poker machines?

	Never	Rarely	Sometimes	Often	Always	Can't say	Total
	%	%	%	%	%	%	%
Non-problem players	78.2	11.8	5.0	1.4	3.2	0.4	100.0
Problem gamblers (SOG 5+)	34.6	12.4	15.1	16.5	21.3	0.0	100.0
Problem gamblers (SOGS 10+)	18.2	7.0	16.1	34.8	23.9	0.0	100.0

Source: PC National Gambling Survey

The Hon. NICK XENOPHON: I urge honourable members to consider and to support this reform, if not in the context of this private member's bill, at least in the context of any government bill dealing with poker machine numbers, where I have flagged today that amendments will be moved along the lines of this bill.

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

MARINE PROTECTED AREAS

The Hon. SANDRA KANCK: I move:

That the Legislative Council requests the Natural Resources Committee to inquire into and report on marine protected areas, with particular reference to—

1. identifying reasons for the government's delays in introducing a system of marine protected areas, including no-take zones, around the state's coastline;
2. the current status of marine protected areas in South Australia with regard to mining and exploration activities and whether or not world's best practice is being observed;
3. the identification of areas within the South Australian Representative Marine Protected Area estate in which mining and exploration activities are occurring or in which there is a risk of such activities being permitted;
4. the identification and assessment of the options available to ensure a permanent ban on mining and exploration in the South Australian Representative Marine Protected Area estate;
5. assessing the level of assistance being provided by the state government to regional groups in the preparation of national resource management plans for marine protected areas;
6. the degree to which ecosystem based management principles are being incorporated in any plans for marine protected areas in the state;
7. the need for new marine reserves legislation; and
8. any other related matter.

In moving this motion, I think the question of what a marine protected area is should be asked and clearly defined, because there are clear definitions. The world conservation union (the IUCN) developed the definition of a marine protected area in 1994. This definition has been adopted by the Australian government and state governments. It is an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, and managed through legal or other effective means. The Australian government's Department of Environment and Heritage web site specifically points out that the key points to this definition are that the primary objective is conservation of biological diversity and that the protection is effective.

There are many benefits to be had from marine protected areas. On state government web sites there is a marine protected areas update from the South Australian Representative System of Marine Protected Areas program (SARSMPA). Contained in that document are a number of benefits of MPAs, which are recorded in the world wide literature. They include protection of marine ecosystems and biodiversity; ecotourism opportunities; value enhanced monitoring and research in the marine environment; potential for enhancing and sustaining fisheries; management of overlapping and conflicting uses; and managing land based

problems that have an impact on the marine environment.

Last year, I was part of a national delegation of MPs from across the country who visited the Philippines and looked at population and development issues. The Philippines is very much a coastal country which consists of more than 7 000 islands. Most people in the Philippines are, therefore, very dependent on seafood as the basis for their nutrition. As we went around from one community to another, we found that there had been a dramatic decline in fish stocks.

They had gone through a discovery process where they asked people in the villages how things used to be and how things are now, what has changed, why it has changed and what can be done about it. Over and over again when the younger people in the village went and asked their grandparents, they were told that, when their grandparents were out fishing some 40 or 50 years earlier, they caught something like four times the amount of fish that was being caught now. When people in the villages became aware of this, they realised they had a problem, and they started to do very simple things such as replanting mangroves where they had been destroyed because of siltation, and that in turn was an effect of deforestation further up in the mountains.

A number of the communities declared marine protected areas in front of their villages. They were not the highly scientifically based areas that we might be talking about here in South Australia, but on one of the islands that we visited, the 300 people in that village had metaphorically fenced off part of the water in front of their village. They put marker buoys out and my guess is I am talking about an area of no more than about one square kilometre, so let us say it went along the beach for one kilometre and out for a maximum of one kilometre. It took a lot of negotiation in the village because not all the fishers were happy to have a no-go zone. Nevertheless, they reached an agreement to give it a try. If they were wrong the process could be stopped.

The buoys were put out there and the people of the village had the task of ensuring that nobody else came across that bit of water and fished in that zone. With the Philippines consisting of more than 7 000 islands, a lot of people are out in boats at any one time, and the children would hop into their canoes if they saw someone coming into the area and shoo away the fishers from other islands, explaining what they were doing. After 12 months, they found that the take had doubled—just by closing off that area for 12 months. It proved to be so effective that, even outside that zone, the fishers from other nearby islands who came close to that strait found that they were getting increased catches, so they went back to their villages and they in turn are implementing their own small marine protected areas in front of their villages so that they, too, can increase the number of fish that they can catch.

That has been done on a very small scale, very local, with not a single scientist involved, yet clearly palpable economic benefits have been obtained in these small fishing villages in the Philippines. So, members can understand that here in South Australia there is the potential for marine protected areas with no-take zones to have a positive impact on the fishing industry in South Australia.

That list of potential benefits that I read out included ecotourism, and it is important that members recognise the uniqueness of Gulf St Vincent. St Vincent's Gulf has so many species that are endemic to it that it could qualify for World Heritage Listing, yet less than 1 per cent of St Vincent's Gulf is protected in any way. We have more endemic species than the Great Barrier Reef, and it would be a surprise for most people to see just what we have. Late last year I saw the 2004 calendar of the South Australian Branch of the Marine Conservation Society. Quite a number of the photos in that calendar were of species around the Rapid Bay jetty, and they took my breath away. I could have believed that I was looking at the Great Barrier Reef. It is interesting to note that in that area sedimentation and reef smothering has occurred in recent years.

The 1998 South Australian Coastal and Marine Conference strongly recommended that a new coastal and marine planning and management act be introduced to replace the current Coast Protection Act 1972. That was six years ago, so things are not happening particularly quickly. One of the terms of reference in this motion is the need for new marine reserves legislation. The Rann government went to the last election with these undertakings in its 20-point green plan regarding the marine environment. Number 12 was:

> Develop a Marine and Coastal Biodiversity Strategy which identifies management, research and monitoring policies to best protect South Australia's marine and coastal habitats.
>
> 13. Create marine parks, in consultation with all stakeholders, in recognised areas of outstanding marine conservation value which are under threat from coastal development and human activities.

It is now more than two years since the Rann government was elected and I am not aware of any new marine parks having been created in South Australia. The policy is commendable but the government does not always take the action that ought to occur as a result of having a policy like that.

Birds SA last week released a survey that shows that Searcy Bay is the state's prime breeding location for ospreys, and an important breeding habitat for the peregrine falcon and the white-bellied sea eagle, yet when the opportunity came last year for the government to intervene in the approval process for cliff-top developments at Searcy Bay, it was missing in action.

The state government has made a commitment to the creation of a representative marine protected area estate in South Australian state water. That can be found on its web site. Last year we moved a small distance by passing legislation in this place to permanently ban mining and exploration activity in the Great Australian Bight Marine National Park on the basis that it would provide more protection for the southern right whale, which is the sexy bit as far as most people are concerned, but also for other significant marine species including the rare Australian sea lion.

Part of the reason that was given for prohibiting any mining and exploration within the whole of that marine park was to minimise disturbance, particularly in regard to the breeding and calving activities of these marine mammals. So there is a precedent for marine areas to be protected from mining and exploration. If it can be done to protect whales then surely it can be done to protect other parts of the unique biodiversity that we have in proximity to the South Australian coastline.

In late 2001, the former Liberal government began the process of developing a pilot marine protected area at Encounter Bay. With significant populations of rare marine mammals such as regular seasonal visits of migrating southern right whales, the rare Australian sea lion, dolphins, of course, South Australia's marine symbol, the leafy sea dragon, sponges, starfish and seagrasses, and so many others, the Encounter Bay pilot MPA provides a unique opportunity for a jumping-off point to create further MPAs in South Australia. However, it is more than two years since that

process began and little else has eventuated elsewhere in the state.

I noticed in the *Port Lincoln Times* of 6 January an article headed, 'Marine parks delayed' and I will read all that article into the record because it is a reasonably small one. It states:

> A system of marine protected areas around the state's coastline ranging from strict no-take zones to multiple use areas has been delayed. Proponents of marine protect areas (MPAs) say the delays are caused by overcoming budgetary constraints and reaching consensus on a pilot project at Encounter Bay.

That just goes to show that we have not come very far if we are still trying to reach a consensus. The article continues:

> Department of Environment and Heritage coast and marine division project director Lindsay Best says that State Cabinet was considering the policy document—

so, two years after the Liberal government started this, the state government is 'considering' the policy document—

> while a community group was working to reach solutions for the pilot project. A timetable for the Government to work on marine protected areas in the State's west with the West Coast being reviewed in 2006, is no longer applicable, but Mr Best said he would still like to see the process happen as soon as possible.

If 2006 is not achievable, when is 'as soon as possible'? The article continues:

> 'The rate at which we can move forward will be subject to the degree of difficulty in developing MPAs and getting consensus,' Mr Best said.

I want to compare this with what has happened in California. In 1999, the multi-stakeholder, the Sanctuary Advisory Council for the Channel Islands National Marine Sanctuary, was given oversight of a reserve plan in progress. On 1 January 2003, 132 square nautical miles (175 square metres) within the Channel Islands National Marine Sanctuary was set aside into 11 separate 'no take' areas where all fishing and harvesting of kelp, urchins and lobsters was prohibited. It took them less than four years, and they received more than 9 000 submissions in the process. So, if California can do it in less than four years, given that this process was begun late in December 2001, why are we in South Australia now looking beyond 2006? If this motion is supported, I will urge the Natural Resources Committee to examine what is happening at the Encounter Bay pilot MPA, including its value as a model for further MPAs in this state, with protection from exploration and mining.

Another of the terms of reference relates to natural resource management plans being prepared for marine protected areas. Natural Heritage Trust money will be channelled into the states following the development of natural resource management plans. The Democrats are concerned that the marine environment should be part of the plans that the NRM regional bodies develop in South Australia. It is important that the government provide expertise to assist these groups in developing their plans. It may well be that such plans could assist the government to meet its election commitments.

Environment groups in South Australia and, nationally, groups such as the ACF and, internationally, the Whale and Dolphin Conservation Society are becoming increasingly frustrated at the tardiness with which this government is dealing with MPAs. By referring this matter to the Natural Resources Committee, parliament will be putting the spotlight on this important but often unrecognised and neglected part of South Australia's unique natural environment. Hopefully, consideration of this reference will result in recommendations to the government about the need for commitment and action on an extremely important issue and then, even better, that the government will take that action.

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

WINE EQUALISATION TAX

The Hon. CARMEL ZOLLO: I move:

> That this council notes the difficult financial situation facing many small wineries and calls on the Howard government to adopt federal Labor Party policy to replace the current state and federal rebates for cellar door and mail order sales with a wine equalisation tax (WET) exemption for all wineries set at an appropriate threshold, expressed in litres, for domestic sales.

As my motion states, I am calling on the federal government to replace the current taxation regime with a wine equalisation tax exemption for all wineries with domestic sales up to an appropriate threshold. This policy was adopted by the federal Labor Party, and I urge all members to support my motion for the benefit of the many small wineries that are in difficult financial circumstances.

The wine equalisation tax (introduced in 1999) saw some spirited debate in this state. That is not surprising, given our position as a state that produces nearly 50 per cent of the Australian wine grape crush. I would like to place on the record the commitment and hard work undertaken by my federal colleague, Mr David Cox MP, the member for Kingston, in relation to this issue. The member for Kingston was the Chairman of the Labor Caucus Living Standards and Economic Development Wine Tax Committee, which reported on 19 September 2001. I should also add that he is an independent grape grower and operates a vineyard at McLaren Vale. However, his interests do not extend into winemaking. One of that committee's recommendations, the wording of which is reflected in my motion, states:

> Adopt a policy of replacing the current state and federal rebates for cellar door and mail order sales with a WET exemption for all wineries set at an appropriate threshold, expressed in litres, for domestic sales.

The member for Kingston rightly makes the point that it was the committee's belief that its recommendations proposed a policy that would provide arrangements for the taxation of wine that are fairer and simpler and would offer the industry certainty on which to base investment. Wine is the single major export for South Australia, excluding road vehicles, parts and accessories, in the year 2002-03. One-third of Australian wineries that crushed 50 tonnes or more of grapes in 2002 were located in South Australia.

In 1999 the Howard government (at the time of introducing the GST) also applied a 29 per cent wine equalisation tax, effectively increasing the rate of taxation on wine from the then existing 41 per cent wholesale sales tax to the equivalent of a wholesale sales tax of 46 per cent (a five percentage point increase). The effect of that additional tax burden was to render small wineries with their cellar door sales unprofitable. For South Australia's small wineries, cellar door sales account for over half their income with small wineries producing most of South Australia's premium boutique wines.

I remember speaking to a similar motion moved by the then Leader of the Opposition, the Hon. Paul Holloway, in July 1999. At that time, the state was forced to pick up the cost of refunding the WET cost to wineries whose cellar door sales were under the $300 000 limit. Mr Stephen Strachan, the Chief Executive of the Winemakers Federation of

Australia, is now spearheading a campaign to see a $100 million tax relief package for smaller wineries in this year's federal budget. South Australia has more than 320 wineries which fall into this category. We are reminded that wine earns the state more than $2 billion a year. Nonetheless, these smaller wineries are hurting with an international downturn in wine sales. With the Australian dollar at the highest it has been in the last six years, overseas wine sales are understandably under pressure.

In relation to the campaign, the Winemakers Federation of Australia has for some time argued the proposal to increase the WET exemption on the first 600 000 litres of domestic wine sales. This would equate to 1 580 wineries being exempt from WET with the commonwealth receiving 85 per cent of current revenue. Continued industry growth would result in a return to current WET levels in three years. Australia is the highest taxed major wine producing country. An extra $340 million in wine sales (GST and WET) has been collected than would have been collected under the previous wholesale tax regime.

As yet, there has been no response by the commonwealth to the proposed exemption. Through Treasurer Foley, South Australia advised the commonwealth in February 2003 that the state would contribute the equivalent of its subsidy savings, estimated at $3.4 million annually, in support of the commonwealth introducing the exemption. While the other states have since followed with similar offers, the commonwealth has not responded. Given South Australia's role as a major producer of Australian wine (64 per cent of production and 46.5 per cent of the crush), other wine producing states may benefit more from the exemption due to their lower scale of production.

The Australian wine industry's financial performance has declined considerably since 1997-98. There has been a considerable number of new small wineries over the past decade, and many have entered for lifestyle reasons or without adequate business planning. The wine industry forecasts a major restructuring of the industry, given the number of poorly informed entrants, the drop in grape prices, retail market consolidation and the value of the dollar. The exemption may reduce the extent and some of the impact of any industry restructuring, but it is probable that, despite restructuring, there will be no reduction in the number of wineries. The wine industry is a major contributor to South Australia's economic and social framework, and I think it is worth while placing on record some more statistics.

Wine is the fourth largest farm export product, with $2.4 billion in exports. South Australia contributed $1.455 billion in the year 2002-03. In 2001, Australia was the world's sixth largest producer of wine and was ranked the fourth largest exporter of wine in both volume and value. There are over 1 625 wine producers in Australia, over 650 of which export Australian wine to more than 100 countries throughout the world. South Australia has 391 of the total wineries. Further, 31.7 per cent of Australian wineries that crushed 50 tonnes or more of grapes in 2002 were located in South Australia; and 43 per cent of wineries crushing more than 400 times were located in South Australia.

As at 30 April 2003, 66 633 hectares were planted to vines in South Australia. As we have heard, South Australia accounted for 46.5 per cent of the Australian crush in 2003, totalling 653 535 tonnes, with the estimated value of the total crush being $632 million. South Australia accounts for approximately 64 per cent of Australian production, which includes juice and wine brought into South Australia for value adding.

It is a regionally based agricultural and manufacturing industry, with the majority of the industry's investment and employment taking place in regional economies. In South Australia, the wine and grape industry employed some 11 960 people in 2001, and this number excludes those involved in wine related activities, such as coopers, tank manufacturers, printers, transport operators, R&D and retail. Some anecdotal evidence suggests that the supply industry directly employs a similar number of people and, of course, many suppliers also export.

The approach from the states on this issue has been from treasurer to treasurer. It is an opportune time for a broader approach from South Australia and other states to progress the matter. As mentioned, for some time the Wine Federation of Australia as a benchmark has argued the proposal to introduce a WET exemption on the first 600 000 litres of domestic wine sales.

At the last South Australian Wine Industry Council meeting, of which I am now a member, Mr Stephen Strachan brought to the attention of the council the campaign being run by the federation and provided some kits, and I know that most honourable members will have already obtained copies. It is an excellent kit and is good source material.

I have probably picked up on most of the statistics and points made, but I think it is worth while placing on record some of the points made under the policy section and 'Wine: a cornerstone of regional economies'. Under the policy section 'Growing regional Australia' it states in relation to policy:

> Conforms to the government's policy principles, as it is an extension of existing cellar door rebate scheme, which was introduced to encourage regional development and tourism in particular.

It continues:

> It is backed by all industry participants, large and small, with written support from every State Wine Industry Association (South Australia, Victoria, New South Wales, Western Australia, Tasmania and Queensland), peak grape grower representatives and all members of WFA.
>
> The overall outcome is a more sustainable winery sector, contributing to economically viable regions across Australia, with growing tourism expenditure, fixed capital investment, regional employment and a healthy Australian wine industry.

The sheet entitled 'Wine: a cornerstone of regional economies' states:

> Combined with employment growth has been the simultaneous rise in regional investment in infrastructure and a healthy growth in local tourism.

Tourism obviously goes with wine and food in our region. It continues:

> The importance of the wine industry to regional economies now extends well beyond its direct employment and investment role.
>
> Recent analysis by Econtech shows that on average for every 10 extra people employed in wine manufacturing in wine making regions there is an increase in employment in grape growing of 9 people and an increase in employment in other industries of more than 17 people.

As I mentioned, the Treasurer in the other place (Hon. Kevin Foley) is hoping to progress the state's offer at the officer level at the next meeting of state under treasurers scheduled for early March. I know that I am joined by everyone in hoping that a satisfactory resolution will be reached that will see our small wineries receive an exemption in relation to the threshold.

As mentioned, on behalf of the South Australian government Treasurer Foley has indicated that it is prepared to contribute the equivalent of its subsidy savings, estimated by the industry to be in the order of $3.4 million per annum on that 600 000 litres, in support of the proposed WET exemption. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

PARLIAMENTARY SUPERANNUATION (CHOICE OF SUPERANNUATION) AMENDMENT BILL

The Hon. NICK XENOPHON introduced a bill for an act to amend the Parliamentary Superannuation Act 1974. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

In essence, this bill provides for a member under the current parliamentary superannuation scheme to opt out of that scheme and to join the Triple S superannuation scheme. At the outset, I wish to say the following. I support the concept of superannuation for people to take responsibility for their retirement. The very concept of superannuation is one that has been relatively recent in that there has been a superannuation guarantee levy pursuant to commonwealth legislation.

I disclose, as I do in my register of interests, that I have my own superannuation scheme. In that respect I will be better off than some members, but not as well off as others. I want to make clear that I understand that this bill does not purport to retrospectively take away anybody's rights. I do not think that that would be reasonable. I understand that there are some members who have given service to the people of this state for a number of years and that this has been their primary occupation in their working life or it has been a significant part of it. I do not begrudge those members, or any member, the superannuation they are entitled to under this scheme. I want to make that absolutely clear. It would not be reasonable—I say it now and I say it publicly—to take away anyone's rights to superannuation. I understand that some members see this in the context of a salary package, but I still believe it is important that members ought to have the option to opt out of the scheme and to go into the SSS scheme. That is something I wish to do, therefore, I put it on record. I would be quite happy to be under the SSS scheme applicable to public servants. I will discuss that in terms of the mechanics of this act.

I have had to introduce this bill because there is no other way for me to opt out of the scheme short of enabling legislation to be passed. I understand that legislation will be introduced by the government in relation to superannuation entitlements for members of parliament later this year. In the event that this private members bill is not dealt with by that time—I am more than happy for members to deal with this as expeditiously as possible—I will move amendments to that scheme if this bill has not been dealt with. I understand that many members, given their family and personal circumstances, have budgeted on the superannuation as part of their salary package. I do not begrudge members that and that is why I believe it is important to put it on record.

The Hon. R.I. Lucas: Do you want opt out of the last six years benefits as well?

The Hon. NICK XENOPHON: The mechanics of this bill would allow me to do that. That is my understanding of the technical nature of it. Although, now that the bill has been introduced, I will write to the Treasurer to obtain his permission to discuss this with members of State Super in case there are technical issues with the bill which they can point out to me. I believe it is important. I do not know, Mr President, if you want me to discuss it with you also. I am more than happy to discuss it with anyone with technical knowledge about the scheme.

The Hon. R.I. Lucas: Do you want your 11.5 per cent back?

The Hon. NICK XENOPHON: Mr Lucas makes a pertinent interjection. My understanding of the way it has been drafted and the instructions I have given to parliamentary counsel, who have done a good job of drafting, as they always do, is that it would allow the 11.5 per cent contributions to be rolled over into a SSS scheme with any earnings from that scheme. In a sense, it would be equivalent to a state public servant who was a member of the SSS scheme back in 1997 when I was first elected. There would be a rolling over of those benefits plus the level of contribution under that scheme (I think it was 9 per cent) until last year. I think it is now up to 10 per cent in terms of where there is a co-contribution of at least 4.5 per cent. In drafting this bill I have attempted to mirror the position a state public servant would have been in vis a vis contributions. Obviously, I want to double and triple check that and, with the permission of the Treasurer, to speak to officers in State Super to make sure that my intention is achieved in the drafting of this bill.

I understand the technical nature of superannuation, particularly where rollovers are concerned. I note that the parliamentary superannuation scheme has a generous death and disability benefit and, for anyone rolling over into the scheme, it would guarantee five units of cover. A precedent for that was set when the police superannuation scheme rolled over into the super scheme so that it seemed to be within the precedent that was set for other public servants. This is something that I believe in. It is something that I have spoken about in the past. I would be a hypocrite if I did not propose this and stick to it.

I am not suggesting that other honourable members would necessarily follow my path, but it is something that I am quite comfortable in doing. I believe that it is the right thing to do for me. I indicated at the outset that I have had the benefit of another superannuation scheme that I have funded myself and, for those reasons, I urge honourable members not to prevent me from opting out of the current scheme. However, having said that, I do not begrudge any honourable member staying within the scheme and having those entitlements. I urge all members to give me the right to opt out of the scheme.

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

QUESTIONS WITHOUT NOTICE

The Hon. NICK XENOPHON: I move:

That in future, during the period allowed for questions without notice, there be a minimum of 10 questions permitted from members, other than members led by the Leader of the Government in the Legislative Council.

I think that the strongest arguments for this motion have been apparent in the two days of question time this week. Whilst a number of supplementary questions were asked, it is important for the opposition and crossbenchers—non-government MPs—to have an opportunity to question the executive arm of government. Having a minimum number of

questions would have a dual effect: it would ensure a minimum level of accountability and ensure that those ministers who are prolix in their answers—

Members interjecting:

The PRESIDENT: Order! We may well have to do something about the level of interjection as well.

The Hon. NICK XENOPHON: On most days, it seems we have 10 or more questions, together with a number of supplementary questions. However, there are some days (such as today) when that does not happen, and it has happened on a number of occasions. Therefore, it is important that there be that minimum standard. Further, I believe it would have the effect of encouraging those answering the questions to be more concise. I do not have the *Shorter Oxford Dictionary* definition of the word 'concise', but I am happy to provide it to honourable members.

This is not a radical move. There might be a handful of days each year when honourable members do not have the opportunity to ask questions, and this motion would have the effect of guaranteeing that a minimum of 10 questions are permitted, so that the opposition and other non-government MPs have an opportunity to ask questions of the executive arm of government. I do not think this would be terribly difficult, given that we have only two ministers in this chamber, compared with four in the former Liberal government, and significantly fewer portfolios for which they are directly responsible, and many questions are referred on to ministers in the other place.

This would not be an onerous requirement and would simply give a guarantee of a minimum number of questions. I defend the asking of supplementary questions as long as they are within standing orders, although, Mr President, you disallowed my supplementary question today.

The PRESIDENT: They will be in future.

The Hon. NICK XENOPHON: I know that you, Mr President, disallowed my supplementary question to the Hon. Mr Roberts earlier today, which disappointed me bitterly.

An honourable member: But you got it in.

The Hon. NICK XENOPHON: It was ruled out of order, I think. This is not a radical proposal. Obviously, this chamber does things differently from the other place, but I think it is a good thing that the Legislative Council has different procedures. From my discussions with the Hon. Mr Lucas, I know that it is not the practice of this place to bulldoze through changes, as it seems to be in the other place. There is an acknowledgment that there are minor parties and crossbenchers in this place. I think the culture of the Legislative Council is such that it is not about bulldozing changes. I would like to think that the government and the opposition would come on board with this measure so that we can have that benchmark of a minimum number of questions by non-government MPs to be asked during question time.

I urge honourable members to support this motion. Obviously, I seek a consensus approach, and I hope that the Leader of the Government, the Leader of the Opposition, the Leader of the Democrats and my colleagues the Hon. Mr Cameron and the Hon. Mr Evans would have a consensus position on this matter so that we have this minimum safeguard.

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

PARLIAMENTARY COMMITTEES (FUNCTIONS OF ECONOMIC AND FINANCE COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 760.)

The Hon. CARMEL ZOLLO: This bill was first introduced into the parliament by the member for Davenport in the other place on 4 December 2002. In his second reading speech on that day, the mover set out some exceedingly brief reasons in support of the bill. Essentially, he asserted that this bill was to correct an unintended consequence of passage by parliament in 1994 of amendments to the Parliamentary Committees Act 1991.

In his second reading speech, the member for Davenport said that the reason the act needed to be changed was that it is being interpreted, as he said:

> . . . to mean that the Economic and Finance Committee cannot deal with matters in relation to statutory authorities. If that was the interpretation applied throughout the previous government's regime, then most of the more controversial reports delivered by the Economic and Finance Committee simply would not have been able to be undertaken. The committee clearly had a broader brief under the previous regime than it might be given if the act is so strictly interpreted to mean that it cannot undertake investigations into statutory authorities.

The member for Davenport did not specify which inquiries he was referring to. Helpfully, the Attorney-General, in response to the member for Davenport, pointed out that the member for Davenport was mistaken about the basis on which the Economic and Finance Committee undertook some of the more controversial inquiries during the Brown and Olsen years. The Attorney refuted that assertion by pointing out that several statutes besides the Parliamentary Committees Act confer functions on the Economic and Finance Committee. A case in point is the committee's report into the MFP Development Corporation, which was undertaken pursuant to section 33 of the MFP Development Act 1992.

The State Bank of South Australia Act 1993 (which is still on our statute book) obliges an investigator appointed under that act to report to the Economic and Finance Committee in certain circumstances, and the Passenger Transport Act 1994, which set up the statutory authority called the Passenger Transport Board, requires the minister to report to the committee in advance of any proposed sale to the private sector of certain types of transport assets. Any statute can confer functions on the committee: no amendment to the Parliamentary Committees Act is necessary.

With respect of the member for Davenport, the arguments he presented on 4 December 2002 were simply wrong, as the example I mentioned a moment ago indicates. The reality is that if it is passed this bill will expand the functions of the Economic and Finance Committee by giving back to that committee functions which were taken from it in 1994 when the Statutory Authorities Review Committee was established. The member for Davenport wishes the parliament to reverse the decision made by the Liberal Party government and the parliament in 1994 about the proper roles of the Economic and Finance Committee and the Statutory Authorities Review Committee. To properly appreciate the import of this bill and its foolishness, a small lesson in history is called for.

In 1991 there was a major rationalisation of statutory parliamentary committees. The Parliamentary Committees Act 1991 was introduced by the then Attorney-General, the Hon. Greg Crafter MP. It repealed or amended a number of

acts that established committees. The Economic and Finance Committee replaced and expanded the function of the Public Accounts Committee that had been established in 1972. The 1991 act was intended to rationalise and improve the parliamentary committees system.

The act originally established four committees, namely, the Economic and Finance Committee, the Legislative Review Committee, the Environment, Resources and Development Committee and the Social Development Committee. It was thought that they would be able, to quote from the second reading explanation, to 'scrutinise the full range of government responsibility and community activity'. Section 32 of the act makes the Presiding Officer of both houses responsible for avoiding duplication by one committee of the work of another committee, and they are required to consult with the presiding members of the committees about this.

Since 1991 four additional permanent committees have been established under the act, namely, the Statutory Authorities Review Committee, the Public Works Committee 1994, the Occupational Safety, Rehabilitation and Compensation Committee in 1995, and the Statutory Officers Committee in 1997. In the context of this debate our interest is the establishment of the Statutory Authorities Review Committee. That committee was established in 1994. The catalyst for its establishment were the scandals of the State Bank, SGIC, SA Timber Corporation and other semi-independent government bodies. It was thought that a special Legislative Council committee, whose only work was to scrutinise statutory authorities, would, to quote the then Attorney-General (Hon. K.T. Griffin), 'make the operations of statutory authorities more open to detailed scrutiny to determine the desirability of their continuation and the proprietary of their activities and actions'.

The debate in the house was heated, as was the wont of the day. The Hon. S.J. Baker, then deputy premier and treasurer, made the point during that debate that it was not appropriate for the Economic and Finance Committee to have full responsibility for statutory authorities at a time when it was not even known how many there were and when one of the major admissions of the government was to get control of the state's contingent liabilities and reduce the number of statutory authorities. He said that the Economic and Finance Committee did not have time to do that work and that a Legislative Council committee would have more time because Legislative Council members did not have electorate responsibilities and because the Statutory Authorities Committee would be a dedicated committee.

What all this trawling through the parliamentary records shows is that the member for Davenport's assertion that there has been some change in legislative interpretation since the election of the Rann Labor government and the effect of this change has been to deprive the Economic and Finance Committee of its rightful role and the role it enjoyed under the previous government is just plain wrong. There is no error here that needs correcting. Its role is as was intended by the parliament when the Statutory Authorities Review Committee was established in 1994.

A couple of final points: the Economic and Finance Committee is a committee of the House of Assembly, and the Statutory Authorities Review Committee is a committee of the Legislative Council. The same reasons that led to the change in 1994 still apply. Parliament's intention was that particular statutory authorities, as distinct from statutory authorities in general, should be the province of a special committee for that purpose and that the Economic and Finance Committee should not have responsibility for those same matters. It was thought that a committee comprising members of the Legislative Council who did not have electorate responsibilities would have more time than a committee of members of the House of Assembly.

Now that some major statutory authorities and government companies have been disposed of, the Statutory Authorities Review Committee should be better placed to make thorough inquiries and carefully thought out recommendations on matters within the scope of its authority. Further, a committee of the Legislative Council is likely to have a mix of members, including independent and minor party members, and be less likely to be dominated by government members. The members in another place are still overburdened by electoral responsibilities and their disproportionate representation in the offices of the executive.

A specific purpose committee still has more time to inquire into individual statutory authorities than does the Economic and Finance Committee, with its wide-ranging brief to inquire into matters concerning finance and economic development generally. Further, four of the members of the Economic and Finance Committee have commitments through the Industries Development Committee under the Industries Development Act 1941. Finally, there is the very real concern of the duplication of work and even potential conflict between the two committees where they enjoy the same jurisdiction.

The member for Davenport expressed the view in his second reading speech that 'as members of parliament in both houses we are mature enough to sit down and make sure that our references do not cross over each area and duplicate the effort.' It is true that section 32 of the act gives presiding officers the responsibility, in consultation with the presiding members of committees, to avoid duplication of work, and this is done without legislated or formal processes.

There is an additional factor to be taken into account in this case. The Economic and Finance Committee and the Statutory Authorities Review Committee are the only committees that are committees of one house only. It is desirable that there not be an overlap in functions because it would create a potential for intractable differences between the houses about the committees. This would not advance the interests of good government or parliamentary efficiency.

I have faith in the maturity of fellow parliamentarians, but I would also expect them to exhibit the good sense not to create situations that invite such an unnecessary conflict. The reason for having parliamentary committees is to make the government more accountable to the public through the parliament. As the Hon. Greg Crafter said, in introducing the Parliamentary Committees Bill in 1991, parliamentary committees enable members of parliament to investigate issues of public importance and, particularly, to keep government departments and agencies under scrutiny. The government, then in opposition, supported the establishment of the Statutory Authorities Review Committee and the division of responsibility between it and the Economic and Finance Committee. Having a general committee and a specific purpose committee both examining and reporting to parliament on individual statutory authorities would not enhance those objectives. It would also impose an additional burden on parliamentary and public services.

If the Economic and Finance Committee is of the opinion that there should be an inquiry into the functions and operations of a particular statutory authority, or whether a

particular statutory authority should continue to exist, then the proper approach is for it to ask the Statutory Authorities Review Committee to inquire into the matter of its own motion, ask the government to recommend to the Governor that the matter be referred to that committee or lobby members of the Legislative Council to pass a resolution referring the matter to that committee. Of course any member of parliament has the right to speak in parliament about any statutory authority and to ask questions of the relevant minister. I urge members to vote against the bill.

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

MEAT HYGIENE (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Meat Hygiene Act 1994. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The purpose of the Meat Hygiene (Miscellaneous) Amendment Bill 2004 is to include the processing of meat for retail sale within the regulatory scope of the Meat Hygiene Act 1994, from which it is currently excluded. The proposed amendment to the existing legislation would mean, in general terms, that meat processing operations, whether for wholesale or retail sale, fall under a single legislative framework. This approach is consistent with government policy and the recommendations following the national competition policy review of the Meat Hygiene Act 1994.

The principal recommendation of the review of the Meat Hygiene Act 1994, carried out in line with the National Competition Policy Agreement, was to broaden the scope of the act to cover retail meat processing operations, including supermarkets. Retail businesses involved only in the sale of packaged meats would be excluded, as would retail businesses that slice and cut ready-to-eat meats, such as delicatessens.

Currently, the processing of meat for wholesale is regulated under the Meat Hygiene Act 1994, which is administered by the Meat Hygiene Unit of the Department of Primary Industries and Resources. The processing of meat for retail sale is regulated by the provisions of the Food Act 2001 and the Public and Environmental Health Act 1987. These acts are administered and enforced by the Department of Human Services and local government. There are over 500 retail meat outlets in South Australia, including the butchering sections of many supermarkets. Of these, approximately 232 retail meat businesses, including the butchering sections of a number of supermarkets, are accredited under the Meat Hygiene Act 1994 to cover their wholesaling activities. That is, they supply small quantities of meat to other retail outlets, such as delicatessens or supermarkets, or they supply meat to the hospitality and catering industry, such as hotels, restaurants and sporting clubs.

The proposed amendments would not cover retail businesses that sell pre-packaged meats. Retail businesses that sell meat in the same package in which it is received, that is, where no further processing takes place, would remain under the Food Act 2001, administered by the Department of Human Services and local government. Similarly, regulation of businesses that slice and cut ready-to-eat meats for retail sale, such as delicatessens, would remain under the Food Act 2001.

The inclusion of retail meat processing in the scope of the Meat Hygiene Act 1994 is supported by both the meat industry and the Department of Human Services. A memorandum of understanding between Primary Industries and Resources SA, the Department of Human Services and the Local Government Association of South Australia Incorporated will clearly define the responsibilities of each agency in regard to retail butchering operations. The memorandum of understanding will ensure that retail meat processors will be subject to only one regulatory regime, with the exception of supermarkets that process meat in conjunction with their general food business.

The bill also provides for a person to represent the interests of retail meat processors on the South Australian Meat Hygiene Advisory Council, ensuring that retail meat processors are represented on the council. Since 2001, an open invitation has existed for a retail representative to attend meetings of the council. The bill will formalise the appointment of a retail representative, giving them the same rights and privileges as existing members of council.

Other amendments outlined in the bill are administrative in nature, deleting references to outdated legislation and standards and updating references to organisations and terminology to reflect their current meaning and usage. I commend the bill to honourable members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Meat Hygiene Act 1994*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act by substituting the definition of ***affected with a disease or contaminant*** for the definition of ***residue affected animal or bird***. This reflects amendments to the *Livestock Act 1997*, where the term is defined.

5—Amendment of section 5—Meaning of wholesome

This clause makes amendments consequential upon the amendment made by clause 4.

6—Amendment of section 9—Composition of Advisory Council

This clause provides that a person be appointed to the Advisory Council to represent the interests of retail meat processors.

7—Amendment of section 12—Obligation to hold accreditation

This clause amends section 12(2)(c) of the principal Act by excluding from the operation of the section further processing of meat that occurs in the course of retail sale, and consists of the storage of meat in the package in which it was received, or the cutting or slicing and packaging of ready-to-eat meat in a supermarket or delicatessen. The clause also defines ***ready-to-eat meat***.

8—Amendment of section 29—General powers of meat hygiene officers

This clause makes amendments consequential upon the amendment made by clause 4.

9—Amendment of section 30—Provisions relating to seizure

This clause makes amendments consequential upon the amendment made by clause 4.

Schedule 1—Transitional provision

Schedule 1 provides that a member of the Advisory Council appointed under section 9(1)(c) of the principal Act as in force immediately before the commencement of this measure will continue to hold office for the balance of their term.

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

CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 967.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their contributions and cooperation. The aim of the bill is to simplify implementation of the objective of the select committee, which is to freehold as many perpetual leases as possible. That objective was put forward by the select committee and accepted by the government in recognition that perpetual leases had served their purpose in assisting settlement of this state, and now only serve as an administrative burden on the people of this state. It appears, from the debate and the proposed amendments, that members in both houses have failed to recognise that objective and, instead, seem intent on retaining this outmoded form of land tenure and increasing the cost of administration.

This bill is not required to enable implementation of the select committee's recommendations. Existing legislation contained in the Crown Lands Act 1929 provides authority and a mechanism for freeholding to occur. Of the 14 clauses contained within the bill, 11 are efficiency measures that will assist the process of conversion of perpetual leases to freehold title. Two clauses that refer to GST recovery and continuance of the Lyrup Village Association are minor administrative matters.

One clause seeks to give the minister the authority to require lessees in irrigation areas to seek his consent before selling the lease to another party. This authority already exists in relation to perpetual leases outside irrigation areas, and is used to obtain details of the use that purchasers intend to make of perpetual lease land in order to determine GST liability. It also provides a mechanism for requiring lessees who have not applied to freehold to convert to freehold prior to transferring the land to a purchaser. In practice, use of this power by the minister will be largely unnecessary, because such a large number of applications to freehold have been received.

Applications have been received to freehold 12 860 perpetual leases, or 95 per cent of those offered. There are no clauses in the bill providing for increased perpetual lease rents or the imposition of an annual service charge, despite the assertions of some. The conversion of a crown lease to freehold involves manual processes to surrender the lease and grant a freehold to the lessee. It is not a simple process, and frequently errors or oversights that occurred in the past need to be rectified in order to ensure that the guarantee of indefeasibility can be extended to the freehold title that is issued. Significant cost is incurred in undertaking the freeholding process, and a large project team has been established.

The original proposal for increased rents on perpetual leases was put forward as a budget measure. The freeholding proposal put forward by the select committee reduced the revenue expectations for the project, and concessions provided through negotiations with the select committee have further reduced those expectations. The government still expects a dividend from the project, in part to cover the cost of reforms within crown land administration. In this regard, significant progress has already been made in drafting new legislation, rejuvenating outdated systems and automating existing manual processes and organisational restructure.

Finally, I would like to address the accusations of bullying that have been levelled at the government in relation to this matter. This is not the first attempt that has been made to reduce the number of perpetual leases by encouraging freeholding. In 1982 and in 1996, Liberal governments attempted to attract applications to freehold by lowering the freehold purchase price. Both attempts failed because some perpetual lease rents were so low that even an offer to freehold for free would not be successful. There was no incentive to take up the offer or disincentive for retaining perpetual lease tenure. The only difference between that and the current offer (which is, essentially, the previous government's policy) is that some disincentives were introduced for maintaining the status quo in the form of increased rents, restrictions on transfers and increased freehold price after the offer period.

The effectiveness of those measures cannot be disputed. In the final outcome, enforcement of these disincentives will not be necessary because a large number of lessees have chosen to apply for freehold. The interim recommendations of the select committee were published in November 2002 and created an expectation that the government would move quickly to implement them. The government has done that and I am confident that the government's actions will result in the conversion of the vast majority of perpetual leases to freehold title to the benefit of those lessees and future governments.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

New clause 2A.

The Hon. CAROLINE SCHAEFER: I move:

Minister to advise lease holders of effect of Act

2A.(1) The Minister responsible for the administration of the principal Act must, as soon as practicable after the commencement of this Act (and, in any case, within one month of that commencement), ensure that a written notice is sent to each person who has made a relevant application advising him or her—

(a) of the effect of this Act; and

(b) of the person's right to withdraw the application.

(2) In this section—

'relevant application' means an application under section 212 of the principal Act to surrender a perpetual lease of land and purchase the fee simple where—

(a) the application was lodged before the commencement of this Act; but

(b) the lease has not been surrendered.

I do not resile from my accusations of bullying and blackmailing. I think this is one of the most reprehensible pieces of legislation that I have been involved with in the 10 years that I have been in the parliament. The opposition is now seeking to make this legislation understandable and clear to the people who are affected by it.

Since the inception of this bill, the $300 minimum rental was changed to a $300 minimum service fee. That has now been defeated so does not exist. That changes the business decision of a number of people who were indeed tricked, blackmailed or bullied—whichever you like to call it—into applying for freeholding.

Through this amendment, we seek that the minister be required to write to each of those leaseholders explaining the new act as it will be after its inception rather than confusing people, as has happened for the past 21½ months since this plan was conceived and announced to the public. People have

been waiting that long to know what the legislation actually contains. It is like being asked to sign up to a business plan without knowing what the business plan is. This amendment purely requires the minister to converse with these people by way of a letter explaining what their situation is at the time of the inception of the act.

The Hon. IAN GILFILLAN: The Democrats welcome this amendment. It is a very sensible amendment and it goes part way to erase the bruising of the bullying that took place in the run-up to the legislation coming into this place. I do not want to labour the point but I agree with the Hon. Caroline Schaefer. We see no reason to resile from allegations of bullying. A lot of people were prompted to move with threats, threats that were not legislatively reinforced. One was an annual charge, quite an extraordinarily high annual charge relative to the rents which had legally been set in perpetuity and which were being threatened by this device. The second was that, if action was not taken by a certain time, the freeholding fee would treble. By any definition, since those actions were not legislatively reinforced, it was coercion by intimidation, and that is my definition of bullying.

That is now irrelevant. What is relevant is that this amendment will enable those who really were reluctant, and who on deliberation would choose not to go ahead with the freeholding, to go back to a happier situation. Probably very few people will avail themselves of it, but the principle is right and I congratulate the Hon. Caroline Schaefer on introducing a very substantial and worthwhile amendment.

The Hon. T.G. ROBERTS: The government's position is that seeking to legislate to send out a letter is a bit over the top. The minister has already offered to write to all applicants when the fate of the bill is known. If members believe it necessary to legislate for the administrative agreement that already exists, that shows a lack of trust in the minister.

New clause inserted.

Clauses 3 to 6 passed.

New clause 6A.

The Hon. CAROLINE SCHAEFER: I move:

Insertion of s. 34

6A. The following section is inserted after section 33 of the principal Act:

Rent may be paid in advance

34. Despite any provision to the contrary in this Act or any other Act or in a perpetual lease, the lessee may pay instalments of rent due under the lease in advance of the times specified in the lease (provided that such instalments are in respect of a period not exceeding 25 years).

One of the arguments put by the government with regard to this change in what had been an agreed practice of land ownership within this state since the late 1890s was that it actually costs more to administer the receival of lease payments than is received by those payments. The opposition is moving to allow for rents to be paid in advance. We decided that an appropriate capping would be 25 years, which one could assume would be the length of the ownership of probably one land owner. If that was not the case and the land changed ownership before that time, it would be assumed that that rental had been paid in advance. We believe that would therefore simplify the administration, which apparently is so onerous to the department.

The Hon. IAN GILFILLAN: The Democrats support the amendment.

The Hon. T.G. ROBERTS: The government opposes the amendment. It believes that it will only encourage low rent lessees to avoid freeholding for 25 years with no real addition to current revenue. Those who are paying, say, $1 000 will not take out 25 years freeholding. Those who are paying 5¢ will be able to afford it, but will they do it?

The Hon. CAROLINE SCHAEFER: I think the majority of people who have applied to freehold will do so because they no longer trust the government and they are not sure what the next move might be if they do not freehold. So, I think that is a furphy. I will quote what the Hon. John Hill said in another place with regard to this amendment. He said:

I am sympathetic to this new clause, but because I only saw it yesterday we would like to do some work on it between here and the other place. We are not sure about the 25 years. If we can get something that works I will introduce it in another place and we can then bring it back here if the house is not happy with that.

Yet, yesterday, someone from the minister's office phoned my office and asked me for a copy of my amendments which had been on file in this place since 11 November. I think that gives some indication of how much work was done between the two houses on this amendment.

The Hon. T.G. ROBERTS: I am informed that work was done on the number of lessees and the rents being paid, and the government was not prepared to support the amendment.

New clause inserted.

Clauses 7 to 9 passed.

New clause 9A.

The Hon. CAROLINE SCHAEFER: I move:

After clause 9 insert:

Amendment of section 212—Power of lessee to surrender lease and purchase the fee simple

9A. Section 212 of the Principal act is amended by striking out subsections (2) and (3) and substituting:

(2) If an application is lodged under this section—

(a) in the case of an application relating to a perpetual lease of land situated outside of metropolitan Adelaide or a prescribed miscellaneous lease—the application must be dealt with in accordance with schedule 14; or

(b) in the case of any other application—the application must be dealt with as follows:

(i) if the minister approves the application, the board must recommend to the minister, and the minister must fix, the sum at which the fee simple of the land may be purchased and must give written notice of that sum to the applicant;

(ii) the applicant must, within three months after the giving of such notice, notify the minister whether he or she accepts or refuses the terms offered;

(iii) if the applicant accepts the terms offered and, within one month (or such longer period as may be allowed by the minister) after notifying the minister of that acceptance, surrenders the lease and pays the purchase money and any other fees that are payable in relation to the transaction, the applicant is entitled to receive a land grant for the land.

(3) In this section—

'metropolitan Adelaide' has the same meaning as in the Development Act 1993;

'prescribed miscellaneous lease' means a miscellaneous lease of land that is used for cropping or is of a class prescribed by regulation.

This amendment gives way to some quite involved mathematical methods, but its aim is to introduce a sliding scale under schedule 14 which would allow for the first six leases to be freeholded at a price of $2 000; from 7 to 10 leases, at $300 per lease; and any leases thereafter, at $200 per lease. If, in fact, the aim of the government is to make freeholding possible and obtainable for people, particularly those in marginal areas who have multiple leases, this amendment goes some way toward making that possible and affordable,

and we believe that it is fairer to those who live in marginal areas. The amendment also allows for a residential property of less than one hectare to be freeholded at a price of $1 500.

The Hon. IAN GILFILLAN: The Democrats support the amendment.

The Hon. T.G. ROBERTS: The government opposes this amendment.

New clause inserted.

Clause 10 passed.

New clauses 10A, 10B and 10C.

The Hon. CAROLINE SCHAEFER: I move:

After clause 10 insert:

Amendment of section 225—Leases and agreements may not be transferred, assigned or sublet without consent of the minister

10A. Section 225 of the principal act is amended by inserting '(other than a perpetual lease)' after 'lease'.

Amendment of section 226—Non-validity of agreements to transfer etc. leases and agreements

10B. Section 226 of the principal act is amended by inserting '(other than a perpetual lease)' after 'lease'.

Insertion of sections 227A and 227B

10C. The following sections are inserted before section 227A of the principal act (which is not to be redesignated as section 227C):

No consent required to transfer etc. perpetual lease

227A. Despite any provision to the contrary in this act or any other act or in a perpetual lease, the consent of the minister is not required to the transfer, assignment, subletting, encumbering or mortgaging of a perpetual lease, except where the minister holds a mortgage over the lease.

No fees payable in respect of transfer following death of lessee

227B. Where a perpetual lease is required to be transferred because of the death of the lessee, no fees are payable under this act in respect of the transfer.

The purpose of these amendments is to prevent the minister placing conditions on the transfer of perpetual leases. Our concern with regard to this particular area is that it could enforce freeholding at change of ownership. Whether that is by sale or inheritance, it is quite possible under this clause that a family at transfer of a farm would be forced to freehold at the new price of $6 000 per leasehold. Under this section the minister would have the right to hold up a transfer and indeed blackmail the owner of that land. For example, he may well decide that he will not allow a transfer until a particular paddock becomes a wetland. There is no provision whatsoever under this bill to compensate that person. We seek to prevent the minister from once more bullying people into doing something that they may not wish to do at transfer of title.

The Hon. IAN GILFILLAN: The Democrats support the amendments. I do not have any objection to a paddock being made a wetland, but it would be much better if it were the choice of the land owner without any conditions or pressures applied. Even if that is not in the mind of the minister, it is a reasonable protection to have in place for the fair transfer from a perpetual lease to freehold, and it may in fact settle some people's concerns about the danger of the bill as it is currently drafted.

The Hon. T.G. ROBERTS: I am surprised that the Democrats are not supporting the easy transference of crown land or perpetual leases or leasehold to wetlands. I am also surprised that we are even debating this clause. I understand the minister has given an undertaking in relation to family transference, but I am not quite sure whether that has been relayed to members opposite.

The Hon. Caroline Schaefer: Not that we are aware.

The Hon. T.G. ROBERTS: Okay.

The Hon. J.F. STEFANI: Under what circumstances would the minister hold a mortgage over the lease of the land? Can the minister, at will, mortgage the leasehold when it is granted or can the minister effect an encumbrance, a caveat, over the lease?

The Hon. T.G. ROBERTS: It is in relation to mortgages that are held by the Crown for the purposes of development such as soldier settlement or mortgages for improvements where land was developed before the lease was issued.

The Hon. J.F. STEFANI: I did not quite hear the answer, but would the minister in some circumstances hold a mortgage over the natural resources of the land such as mineral resources or other deposits?

The Hon. T.G. ROBERTS: That would be covered under the Mines Act.

New clauses inserted.

Clauses 11 and 12 passed.

Clause 13.

The Hon. CAROLINE SCHAEFER: I move:

Clause 13—leave out this clause and substitute:

Amendment of Schedule 3

13. Schedule 3 of the principal Act is amended—

(a) by striking out paragraph VI of clause 2;

(b) by striking out paragraph III of clause 3.

Amendment of Schedule 12

13A. (1) Schedule 12 of the principal Act is amended—

(a) by striking out paragraph XVI of clause 2;

(b) by striking out paragraph III of clause 3.

Insertion of Schedule 14

13B. The following Schedule is inserted after Schedule 13 of the principal Act:

Schedule 14—Freeholding of perpetual and prescribed miscellaneous leases

Interpretation

1. (1) In this Schedule—

'contiguous land'—see subclauses (2) and (3);

'council' means a council within the meaning of the *Local Government Act 1999;*

'non-residential land' means land that—

(a) is not used for residential purposes; or

(b) is more than one hectare in area;

'residential land' means land that—

(a) is used for residential purposes; and

(b) is one hectare or less in area;

'statutory encumbrance' means any of the following:

(a) an Aboriginal heritage agreement entered into under the *Aboriginal Heritage Act 1988;*

(b) an agreement relating to the management, preservation or conservation of land lodged under Part 5 of the *Development Act 1993*;

(c) an agreement or proclamation registered or noted on the title to land immediately before the commencement of the *Development Act 1993* that is continued in force by virtue of the provisions of the *Statutes Repeal and Amendment (Development) Act 1993*;

(d) a heritage agreement entered into under the *Heritage Act 1993*;

(e) a heritage agreement entered into under the *Native Vegetation Act 1991*;

(f) an access agreement entered into under the *Recreational Greenways Act 2000*;

(g) any other encumbrance created by statute and prescribed by the regulations for the purposes of this definition;

'waterfront land' means—

(a) land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance); or

(b) land extending from the edge of any other navigable waterway or body of water in the State to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser distance).

(2) For the purposes of this Schedule, and will be regarded as being contiguous to other land if the land—

(a) abuts on the other land at any point; or

(b) is separated from the other land only by—

(i) a road, street, lane, footway, court, alley, railway or thoroughfare; or

(ii) a watercourse or channel; or

(iii) a reserve or other similar open space.

(3) A group of parcels of land constitute contiguous land if each parcel is contiguous to one or more of the other parcels in the group.

Minister must approve application

2. On receipt of an application to which this Schedule applies, the minister must approve the application and—

(a) give a written offer to the applicant—

(i) specifying the amount payable by the applicant, in accordance with this Schedule, as the purchase price for the fee simple of the land to which the application relates; and

(ii) setting out any other terms and conditions applicable to the purchase of the fee simple of the land; and

(b) provide, with the written offer, a notice advising the applicant to obtain professional advice in relation to the application and the terms and conditions proposed by the Minister.

Purchase price

3. (1) Where this Schedule applies to an application for the surrender of a lease and the purchase of the fee simple of land, the purchase price for the fee simple of the land will, despite any provision in the lease, be fixed in accordance with this clause.

(2) Subject to this clause, the purchase price for the fee simple of land on surrender of a lease will be the prescribed purchase price.

(3) If—

(a) an applicant lodges more than one application relating to non-residential land at the same time; or

(b) a number of applications are lodged at the same time by different applicants relating to land that—

(i) is contiguous land or is situated within the same council area; and

(ii) is used for the purpose of carrying on the business of primary production; and

(iii) is managed as a single unit for that purpose,

the purchase price in relation to each application will be the prescribed multiple purchase price.

(4) If the applicant is a council and the land the subject of the application is used to provide community services or facilities, the purchase price that would otherwise be payable under this clause in relation to the land must be waived.

(5) If the land the subject of the application is subject to a statutory encumbrance, a pro rata adjustment must be made to the purchase price payable under this clause in relation to the land by applying the proportion that the area of the land that is subject to the statutory encumbrance bears to the total area of the land (and rounding the resulting amount to the nearest dollar).

(6) If the lease contains a provision fixing a purchase price in relation to the land that is less than the purchase price that would (but for this subclause) be payable under this clause in relation to the land, the purchase price will be the amount fixed in accordance with the lease.

(7) In this clause—

'CPI' means the Consumer Price Index (All Groups) for the City of Adelaide published by the Australian Bureau of Statistics;

'indexation factor', in relation to an application, means 1 or the quotient obtained by dividing the CPI for the quarter ending 30 September ni the year immediately preceding the year in which the application is lodged by the CPI for the quarter ending 30 September 2002, whichever is the greater;

'prescribed multiple purchase price', in relation to an application that is lodged at the same time as other applications in accordance with subclause (3), means—

(a) where not more than six applications are lodged—an amount calculated in accordance with the following formula:

$$\frac{\$2000}{N} \times IF$$

(b) where more than six applications but not more than 10 applications are lodged—an amount calculated in accordance with the following formula:

$$\frac{\$2000 + [\$300 \times (N—6)]}{N} \times IF$$

(c) where more than 10 applications are lodged—an amount calculated in accordance with the following formula:

$$\frac{\$3200 + [\$200 \times (N—10)]}{N} \times IF$$

Where—

IF is the indexation factor for the application;

N is the total number of applications lodged at the same time (in accordance with subclause (3));

'prescribed purchase price', in relation to an application, means—

(a) in the case of residential land—an amount calculated in accordance with the following formula:

$1 500 × IF

(b) in the case of non-residential land—an amount calculated in accordance with the following formula:

$2 000 × IF

Where—

IF is the indexation factor for the application.

Other terms and conditions

4. (1) Subject to this clause, an offer under clause 2 may specify such other terms and conditions in relation to the surrender of a lease and the purchase of the fee simple of land as the minister thinks fit.

(2) If the land the subject of an application to which this Schedule applies is waterfront land, the offer must not require the applicant to obtain a survey of the land or to pay the costs of survey of the land.

Resolution of disputes

5. (1) If an applicant objects to the terms of an offer made in accordance with clause 2, the applicant may notify the minister and the minister must refer the offer to an independent person (appointed by the minister on terms and conditions determined by the minister) to review the offer and determine whether it complies with this Schedule and is otherwise reasonable.

(2) A person reviewing an offer under this clause may make such recommendations to the minister in relation to the offer as he or she thinks fit.

(3) The minister may, following a review, revoke the offer the subject of the review and issue a new written offer in accordance with clause 2.

Acceptance of offer and completion of purchase

6. (1) An offer made in accordance with clause 2 in relation to any land remains valid for three months from the date on which the offer is sent to the applicant, or for such longer period as the minister may allow.

(2) The applicant may accept the offer by giving a written notice of acceptance to the minister within the period allowed by subclause (1).

(3) If an offer is accepted by an applicant and, within 12 months of the minister receiving the written notice of acceptance, the applicant completes the purchase by—

(a) surrendering the lease; and

(b) paying the purchase price; and

(c) satisfying any other terms and conditions of the offer,

the applicant is entitled to receive a land grant for the land.

(4) If the minister is satisfied (by such evidence as the minister may require) that an applicant will suffer financial hardship as a result of being required to complete the purchase within the time specified in subclause (3), the minister must allow the applicant three years (or such lesser period as the applicant may require) within which to complete the purchase.

I understand that the remaining amendments are contingent, so I will not speak to them, but I ask parliamentary counsel to make rapid signals if I am wrong.

Amendment carried; clause as amended passed.

Clause 14 passed.

New clause 15.

The Hon. CAROLINE SCHAEFER: I move:

After clause 14 insert:

Transitional provision

15. (1) Section 212 of the principal Act, as amended by this Act, applies in relation to a relevant application as if that application House of Assembly been lodged after the commencement of this Act.

(2) In this section

"relevant application" means an application under section 212 of the principal Act to surrender a perpetual lease of land and purchase the fee simple where—

(a) the application was lodged before the commencement of this Act; but

(b) the lease has not been surrendered at the date of commencement of this Act.

New clause inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

PROBLEM GAMBLING FAMILY PROTECTION ORDERS BILL

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

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

On 24 September 2003, a Ministerial Statement was made informing this House of the development of an early intervention order scheme that would empower families to restrict further harm being caused by problem gamblers.

The Problem Gambling Family Protection Order Scheme was developed by the Independent Gambling Authority and is similar to the model for domestic violence orders in this State.

Specifically, the scheme provides for application to the Authority to seek a problem gambling order against a family member who has caused financial harm through excessive gambling. Orders can include provision to bar persons from gambling venues, to seek counselling and to make specific financial arrangements. Orders would be issued in an environment which would encourage counselling and mediation in the first instance. There would be no penal sanction for breach of an order but orders could be registered in the Magistrates Court and ultimately enforced as an order of that Court. The Chief Magistrate has indicated that "diversionary management" would be practised in these cases.

Following the Ministerial Statement of 24 September, the proposed scheme was released to stakeholders for public consultation. Industry, community and government bodies provided input to the process of further consideration and refinement of the proposal, including issues to be considered in its practical implementation.

It is important to note that this proposal is only one measure in the range of actions being taken with respect to problem gambling. This measure focuses on the individual taking responsibility for his or her actions and on the families being provided with a tool to assist to intervene where the problem gambler is causing financial harm. It will, almost certainly, not be appropriate for all families to use this approach as the appropriateness of the approach will depend on their particular circumstances.

A range of other measures focussing on the nature of the gambling product and the gambling environment is being developed to be implemented through compulsory codes of practice. The industry and welfare sectors have been working together to assist the Independent Gambling Authority to formulate these codes. In addition, following the release of the inquiry report by the Authority into the management of gaming machine numbers in South Australia, the Parliament will separately get the opportunity to consider issues with respect to gaming machine numbers in this State.

This Bill seeks the establishment of a new Act to give effect to problem gambling family protection orders. It also makes amendments to the *Domestic Violence Act 1994* to enable the Magistrates Court to issue problem gambling family protection orders as part of domestic violence restraining orders where appropriate.

This Bill establishes an innovative approach to dealing with problem gambling. The Government is not aware of any other gambling orders of this type.

The Government thanks the Independent Gambling Authority for their work in development of this scheme and those that contributed in the consultation process. Honourable Members are asked to support the introduction of the scheme as an additional tool to assist families who suffer from the negative effects of problem gambling.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions of words and phrases used in this measure.

4—Grounds for making problem gambling family protection order

The Authority may make a problem gambling family protection order on a complaint against a respondent if there is a reasonable apprehension that the respondent may cause serious harm to family members because of problem gambling and the Authority is satisfied that the making of the order is appropriate in the circumstances.

5—Terms of problem gambling family protection order

A problem gambling family protection order may apply for the benefit of all of the respondent's family members or specified family members. Among matters that may be the subject of a problem gambling family protection order are the following:

- participation in a program of counselling, rehabilitation or special education or any combination of these;
- barring participation in gambling activities;
- barring attendance at premises where gambling activities may be undertaken;
- requiring the closing of gambling accounts;
- barring the taking possession of personal property (including money) reasonably needed by a family member;
- requiring the respondent to make arrangements for specified family members to be paid or have access to—
  - (i) money owing or accruing to the respondent from a third person; or
  - (ii) money of the respondent in the hands of a third person (including money in an ADI account).

6—Attachment order

A problem gambling family protection order may include an order (an ***attachment order***)—

(a) that money owing or accruing to the respondent from a third person; or

(b) that money of the respondent in the hands of a third person (including money in an ADI account),

be paid to satisfy a debt owed by the respondent, or be otherwise applied in a specified manner, for the benefit of all of the respondent's family members or specified family members (the ***beneficiaries***).

7—Complaints

A written complaint may be made to the Authority, on which the Authority may exercise any powers vested in the Authority for the purposes of proceedings before the Authority (see sections 13—15 of the *Independent Gambling Authority Act 1995*). A complaint may be made by—

(a) a family member of the respondent affected by the respondent's problem gambling behaviour;

(b) a departmental officer;

(c) the Public Advocate;

(d) a person who satisfies the Authority that he or she has a proper interest.

8—Complaints or applications by or on behalf of child

If a child is at least 14 years of age, the child may, with the permission of the Authority, make the complaint in person. The complaint may be made on behalf of the child by a family member or other person referred to in clause 7

9—Making problem gambling family protection order in respondent's absence

A problem gambling family protection order may be made in the absence of the respondent.

10—Variation or revocation of problem gambling family protection order by Authority

The Authority may vary or revoke a problem gambling family protection order on application if all parties have had a reasonable opportunity to be heard.

11—Conduct of proceedings

Proceedings under this measure are proceedings for the purposes of the *Independent Gambling Authority Act 1995* with the Authority being constituted of the presiding member (or his or her deputy) and at least one other member of the Authority. Any question of law that arises in such proceedings must be decided by the presiding member (or his or her deputy) (a legal practitioner of at least 10 years standing—see section 5 of the *Independent Gambling Authority Act 1995*). The conduct of such proceedings may not be delegated.

12—Service

An order, or variation of an order, is not binding on a person specified in the order until personally served on the person.

13—Notification of making, variation or revocation of problem gambling family protection orders by Authority

If a problem gambling family protection order is made, varied or revoked by the Authority, the Secretary must provide a copy of the order to the complainant, the Chief Executive of the Department and the proprietor or licensee of any premises specified in the order.

14—Enforcement of problem gambling family protection orders

A problem gambling family protection order made by the Authority may be registered in the Court and enforced as an order of the Court.

15—Removal of respondent barred from certain premises

The powers under the *Casino Act 1997* or the *Gaming Machines Act 1992* relating to requiring a person to leave, or removing a person from, a place from which the person has been barred under either of those Acts, extend to a person barred from such a place by an order under this Act, as if the order were an order under the relevant Act.

16—Court may review decision of Authority

The Magistrates Court may review a decision of the Authority in proceedings under this Act on application by the complainant, the respondent or a member of the respondent's family affected by the decision.

On a review, the Court may—

(a) affirm the decision of the Authority;

(b) rescind the decision and substitute a decision that the Court considers appropriate;

(c) make any ancillary or consequential order that the Court considers appropriate.

17—Priority of problem gambling family protection order proceedings

The Authority and the Court must, as far as practicable, deal with proceedings for or relating to problem gambling family protection orders as a matter of priority.

Schedule 1—Related amendments

A new section 10A is to be inserted into the *Domestic Violence Act 1994* that provides that when the Court makes a domestic violence restraining order, it may, if satisfied that it is appropriate to do so in the circumstances, make any order of the kind that the Independent Gambling Authority is empowered to make on a complaint under the *Problem Gambling Family Protection Orders Act 2003*. If that occurs, the order will be taken for all purposes to form part of the domestic violence restraining order.

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

SUMMARY OFFENCES (CONSUMPTION OF DOGS AND CATS) AMENDMENT BILL

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

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Summary Offences Act 1953* to create offences to prohibit the consumption of dogs and cats. In addition to consumption, the Bill creates offences of killing, processing or supplying dog or cat meat for human consumption.

These offences all require a mental element. That is to say, any prosecution for an offence must establish that the offences were committed knowingly. The maximum penalty is to be a fine of $1 250.

The practice of eating dog or cat meat is common in several Asian countries, most notably China, Vietnam and Korea. The Government is not aware of any evidence that this is common, or occurs at all, in this State or in Australia. The matter was raised last year as a result of a reported incident in Victoria. Given the acceptance of the practice in some countries, it cannot be ruled out that a small number of people might eat cat or dog meat despite a high level of public opposition in Australia.

The RSPCA has long supported a prohibition. Its published policy on *Companion Animals* says:

> RSPCA Australia deplores the use of dogs and cats as food in that they are first and foremost companion animals and close working partners of humans.

Existing legislation

The *Meat Hygiene Act 1994* and related national accreditation processes provide for the commercial processing of meat, and the *Food Regulations 2002* regulate what may be sold as food. Under this legislation, it is illegal to process commercially, or sell, dog or cat meat in South Australia for human consumption. However neither the *Meat Hygiene Act* nor the *Food Act* prohibits the backyard or non-commercial slaughter of any animal for human consumption.

Apart from animals protected under the *National Parks and Wildlife Act 1972*, it is not an offence to kill any other animal, unless in so doing, a person "deliberately or unreasonably causes the animal unnecessary pain" contrary to section 13 of the *Prevention of Cruelty to Animals Act 1985*. There is no statute that makes it an offence to eat any animal.

Other species

In drafting the Bill, consideration was given to the question of whether a prohibition should be confined to dogs and cats, or whether it should be broader to encompass some or all "pets" or "companion animals".

Animals are kept in widely varying conditions. Animals that are handled, hand-fed, or otherwise domesticated may nevertheless be slaughtered for food, especially on farms. Conversely some animals that their owners call "pets" might never be touched, or allowed to come inside a house.

It is, therefore, very difficult to draft a definition of a *pet* or a *companion animal* that does not inadvertently include some animals kept as livestock, in close proximity to humans. Even if an adequate definition of *pet* could be drafted, and only *pets* so defined were to be protected, there would be nothing to stop persons keeping dogs or cats in conditions comparable to those of other livestock such as pigs or poultry, and then slaughtering them for food.

Therefore, unless all backyard or farm slaughter of animals is to be prohibited, no legislation can adequately define a *pet* or *companion animal* for this purpose. Rather, this Bill selects two particular species, dogs and cats, and singles them out for protection because of their unique place in our society.

According to a publication of the Australian Companion Animal Council, *Contribution of the Pet Care Industry to the Australian Economy*, South Australia had, in 2002, a population of 318 000 pet dogs and 228 000 pet cats. In 2002, South Australians spent a total of $211 million on our pet dogs and $94 million on our pet cats. In contrast, spending on all other pets combined was a mere $29 million. Therefore, 63 per cent of all expenditure on pet care in South Australia in 2002 went on dogs and 28 per cent on cats. Spending on these two species therefore represented more than 91 per cent of all pet care expenditure in the State. This is a reliable indicator of the cultural regard in our society for dogs and cats above all other animals.

For these reasons, the Bill proposes to create offences applying to meat from cats and dogs only.

What type of offence?

The act of consuming dog or cat meat, if it occurs at all, will be difficult to detect and therefore to prosecute. However consumption of dog or cat meat is only one of a series of actions that can be legislatively controlled. Therefore, in addition to consumption, the Bill creates offences of killing, processing or supplying dog or cat meat.

These offences all require a mental element. That is to say, any prosecution for an offence must establish that the offences were committed knowingly. Therefore a person who kills, processes,

supplies or consumes dog or cat meat will not be guilty of an offence if he or she did not know that the animal, the carcass or the meat was that of a dog or cat. The onus of establishing both the act and the mental element would be on the prosecution.

The maximum penalty for any of these offences is a fine of $1 250. This is comparable to penalties for other comparable offences in the *Summary Offences Act.*

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Insertion of section 10

Proposed new section 10 provides that a person who knowingly—

(a) kills or otherwise processes a dog or cat for the purpose of human consumption; or

(b) supplies to another person a dog or cat (whether alive or not), or meat from a dog or cat, for the purpose of human consumption; or

(c) consumes meat from a dog or cat,

is guilty of an offence, the maximum penalty for which is a fine of $1 250.

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

ADJOURNMENT

At 6 p.m. the council adjourned until Thursday 19 February at 2.15 p.m.