LEGISLATIVE COUNCIL

Wednesday 26 May 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 21st report of the committee.

Report received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Reports, 2003—
Department of Education and Children's Services.
Senior Secondary Assessment Board of South Australia.
Teachers Registration Board of South Australia.

BUSINESS ENTERPRISE CENTRES

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: As part of the ongoing review of the future role and function of small business providers in the Adelaide metropolitan area, the state government is moving to develop a new model for delivery of these services to industry. The move is in line with the EDB recommendations for a restructured economic development department and the philosophy of a partnership-based approach to future economic development activities. The structural changes impacting small business services will include:

- a stronger policy development role for the Small Business Development Council;
- the creation of an office of small business to support the council and act as a point of contact;
- transfer of the small business service function from the former Centre for Innovation, Business and Manufacturing (CIBM) on South Terrace to a group within the new Business Development Services (BDS) division in the Department of Trade and Economic Development. This unit will provide support to the existing Business Enterprise Centre (BEC) network and any new small business delivery model.

The new BDS division will deliver initiatives and programs to facilitate the take-up of new technology, skills and management practices and to increase the number of export-ready businesses. BDS will place greater emphasis on coordinating and integrating its activities with other state agencies and spheres of government. The result of this change will see a decentralisation of small business services which will better meet the needs of the small business community.

The government will develop a new model for small business service delivery which provides consistent high quality services across the board and which reflects both state and local priorities. Discussions are already under way with local government to develop a new network which will provide improved front-line services to small businesses through a number of shop fronts in the metropolitan area. Regional development boards will continue to provide support to small businesses in regional South Australia. Over the coming months, the government will also consult with relevant industry and advisory groups, including the Small Business Development Council, Business Enterprise Centres South Australia (BECSA) and the Local Government Association.

I intend to reach agreement on the nature of the new structure by the end of the calendar year so that we can proceed to implementation. In the meantime, the current funding arrangements for all BECs and the Salisbury Business and Export Centre (SBEC) will continue for the 2004-05 financial year. Continuation of the funding will be subject to the same terms and conditions of the previous funding agreement as we develop the model for the future role and structure for the delivery of small business information and advisory services over the next few months. The approval of funding for the next 12 months for the BECs and the SBEC will ensure continuity of service delivery over the period of discussion regarding the new structure.

The government will ensure that small business will continue to have access to key services during this important restructuring period. These include the phone-in Business Licence Information Service and the Small Business Advisory Service, which supports referrals from the BECs. The changes will see the development of a stronger grouping of professional business advisory services across the state, as well as launching a new partnership-based model of service delivery to small business. It will also allow for the development of synergies between the economic activities of state and local governments.

NATIVE VEGETATION

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on the unauthorised clearance of remnant vegetation made earlier today in another place by my colleague the Minister for Environment and Conservation.

QUESTION TIME

RESIDENTIAL TENANCIES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Attorney-General and the Minister for Consumer Affairs, a question about residential tenancies forms.

Leave granted.

The Hon. R.D. LAWSON: Under the Residential Tenancies Act and the regulations made thereunder, a landlord is obliged to provide new tenants with a booklet setting out the rights and obligations of the tenant. These helpful booklets have always been printed and produced by the Office of Consumer and Business Affairs in recognition of the government's obligation to inform consumers of their rights and obligations. It has come to the attention of the opposition that, apparently, the Office of Consumer and Business Affairs has changed its policy in relation to the production and supply of these booklets. I have been advised, for example, by one real estate agent, who acts as a manager for a large number of residential rental properties, that the

expense of printing and producing these booklets would be of the order of $8 000 a year. My questions are:

1. Will the minister confirm that the Office of Consumer and Business Affairs has adopted a policy of no longer providing the information booklets to which I refer?

2. If so, what was the reason for that decision?

3. Does the government accept that it is the responsibility of government to provide consumer information of this kind?

4. If not, what compensation does the government propose to offer to landlords and their agents for their now having to provide information which was previously provided by the government?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will pass that question on to the Attorney-General and bring back a reply.

FARMBIS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Agriculture, Food and Fisheries, a question about FarmBis.

Leave granted.

The Hon. CAROLINE SCHAEFER: This morning, in the good news of the pre-budget news release by the good news Premier, Mike Rann, one of the areas listed for funding is $14 million for FarmBis No. 3. As a result of questioning over a long time in this place, we all know that the previous two tranches of federal government funding for FarmBis—which requires a dollar for dollar commitment from the state government of the day—were over three-year tranches. In this year's federal budget, the federal government announced nearly $67 million of FarmBis funding across Australia over a four-year tranche. Under the previous Liberal government, the commitment to FarmBis was $28 million over three years, inclusive of $14 million of state government money—which was reduced to $16 million under the Labor government, inclusive of $8 million of state government money. My questions are:

1. Will the minister inform the council whether this announcement is, in fact, $7 million of state government funding over a four-year period, which would represent a considerable reduction in funding for FarmBis?

2. When will we be given the details of that commitment by the state government

3. Given that Mark Latham on a number of occasions has announced his intention to cut out a number of initiatives from the federal budget if Labor is successful, including an announcement as long ago as February 2001 and confirmed by his silence in his Address in Reply this year, what commitment do we have from this government that it will continue to finance FarmBis, regardless of the result of the federal election?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will forward those important questions to the minister in another place and bring back a reply. It smells as though there is an election in the air.

OFFICE OF REGIONAL AFFAIRS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development a question about the Office of Regional Affairs.

Leave granted.

The Hon. D.W. RIDGWAY: On Monday this week, I asked the Minister for Industry, Trade and Regional Development a question about staffing cuts within the Office of Regional Affairs. I asked why the work force had been minimalised and how the minister expects to achieve regional growth targets when the work force of the office is being decimated. In the answer with which I was provided the minister asserted 'that there has been no reduction to date other than an unfilled vacancy' and that it was not his expectation that there would be any reduction in the size of the Office of Regional Affairs. I have received further advice that a number of redeployment notices have been served on employees of the department since Monday, with at least two being served within the Office of Regional Affairs. My questions are:

1. Will the minister deny, first, the statement that he made on Monday, when he said, 'It is not my expectation that there will be any reduction in the size of that office'; and, secondly, that in that statement he has misled parliament?

2. Will the minister confirm how many employees have been served redeployment notices and for what reasons they have been served these notices?

3. Will the minister reveal what steps have been taken to cover the loss of these employees?

The Hon. R.I. Lucas: Resign!

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): Certainly not. As I indicated, the Office of Regional Affairs had a staff of approximately 13 or 14. I think there was a vacancy prior to the review being undertaken. A review was undertaken into the department of business, manufacturing and trade which recommended the reduction of that division to a certain size—I think it was six. That was subsequently changed. As I have indicated, I have been reviewing that decision, and I stick with the statement I made last week. It is my expectation that the size of the Office of Regional Affairs—

Members interjecting:

The Hon. P. HOLLOWAY: I stick with the statement that the size of the Office of Regional Affairs will remain—

The Hon. Caroline Schaefer: Not the size of the staff; you mean the actual floor measurement.

The Hon. P. HOLLOWAY: No—will remain about that figure of 12 individuals.

The Hon. R.I. Lucas: You have issued redeployment notices.

The Hon. P. HOLLOWAY: As for that allegation, I will check on that, but, regardless of whether or not someone has been sent a notice, I still stick with—

Members interjecting:

The Hon. P. HOLLOWAY: At the end of the day—

The PRESIDENT: Members on my left will come to order.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Exactly. I am in charge of it and what I say will be correct; that is, the ultimate size of that agency will remain about one dozen.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. If redeployment notices have been issued to officers within that office, is the minister indicating that this afternoon he will direct that those redeployment notices are withdrawn as of this afternoon?

The Hon. P. HOLLOWAY: Certainly after question time I will make inquiries as to whether or not that allegation is correct, and I will take the appropriate action.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Is the minister telling us that he is unaware that redeployment notices have been issued from a staff of 13 down to a staff 10 or 11 two days after he told us it was not going to happen?

The PRESIDENT: The Minister can answer in any way he chooses.

The Hon. P. HOLLOWAY: As I have indicated, it is my expectation that the number of employees in the Office of Regional Affairs will remain—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: That is what I expect to happen. There are issues—

Members interjecting:

The Hon. P. HOLLOWAY: No, there are issues in relation to the classification of certain officers, as in any departmental structure, and how many executive officers there should be. All those issues have to be addressed in any restructure, but I stand by what I said—that the number of employees in that office will ultimately be around a dozen.

The Hon. D.W. RIDGWAY: I have a further supplementary question. Could the minister give us a definite figure of how many employees are in the office and how many he expects the final figure to be?

The Hon. P. HOLLOWAY: I have just said it. The honourable member was obviously not listening.

The Hon. D.W. RIDGWAY: I have a further supplementary question.

The PRESIDENT: The member has a further supplementary question. Do not ask the same question.

The Hon. D.W. RIDGWAY: I am sorry that I am a little deaf, but I would like the answer.

The Hon. P. HOLLOWAY: I said there were about 13 or 14 members. There has been an unfilled vacancy in that department for a long time. It is my intention that the number of officers in the Office of Regional Affairs will be at the level of 12.

Members interjecting:

The PRESIDENT: Order! Members on my right will cease to assist the minister in giving his answers. Members on my left will cease to interject.

WESTERN MINING CORPORATION

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding Western Mining Corporation.

Leave granted.

Members interjecting:

The Hon. R.K. SNEATH: Listen and learn. It is out in the bush. I will tell you where it is. I understand that Western Mining today announced that it will invest a further $50 million over two years in a major study to determine whether there should be a multi-billion dollar expansion of the Olympic Dam mine in South Australia's Mid North.

Members interjecting:

The Hon. R.K. SNEATH: It is in the Mid North, for those who do not know. My question is: can the minister inform the council of the details of the expansion and what it will mean for South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question on what could be a very important project for the state. The study that was announced today by Western Mining Corporation will help the company determine whether it should double the capacity of the mine at a cost of between $2 billion and $4 billion by the end of the decade. An expansion of this size could lead to the creation of hundreds of jobs and further growth in the population of the Roxby Downs township, which is already 4 000 people. This would also help the state achieve many of the targets laid out in the state's strategic plan, including increasing minerals production to $3 billion and increasing minerals processing by a further $1 billion by 2020, as well as increasing South Australia's population to 2 million by 2050.

It should also help the government in its target of trebling the value of South Australia's export income to $25 billion by 2013. At present, the Olympic Dam mine is the world's eighth largest copper deposit and the largest known uranium deposit. Last year it generated $670 million in export income for Australia. This has the potential to double if the expansion goes ahead.

Western Mining Corporation has already invested $4 billion in developing Olympic Dam, including $600 million in the past three years and another $80 million during this year in mine development. Major activities for the next phase of the study include:

· an additional 72 kilometres of drilling to improve understanding of the undeveloped southern deposit;

· the assessment of mining and processing methods for the southern deposit and development of a whole-of-deposit mine plan;

· environmental studies, including the scoping of a new environmental impact statement;

· a detailed investigation of options for future water and energy supply to the operation;

· the preparation of a logistics plan for the operation, including the possibility of linking Olympic Dam to the rail network; and

· identification of future land requirements support for the Roxby Downs township and associated infrastructure.

The development study work will be in addition to ongoing assessment of Olympic Dam's future energy needs, including the option of connecting Olympic Dam to a natural gas network. In its study, Western Mining will work closely with the South Australian Economic Development Board and the state government task force for the further development of Olympic Dam which was appointed by the Premier in 2002. Again, I thank the honourable member for his interest in regional South Australia and the important developments that are occurring in that part of our state's regions.

The Hon. R.I. LUCAS (Leader of the Opposition): I ask a supplementary question. Does the Leader of the Government agree with the statements made by Mike Rann in the document entitled 'Uranium—Play it Safe' for the ALP South Australia Nuclear Hazards Committee in 1982 when he said:

> No serious commentators are now likely to join the Premier in trumpeting the economic impact of Roxby. . . With depressed uranium sales likely to continue throughout the 1980s (and probably beyond) the Government was in a weakened bargaining position. To put it crudely, the Roxby partners had Premier Tonkin over a barrel

and the indenture publicity hype—full of 'ifs' rather than 'whens'—smacked of a political stunt.

The Hon. P. HOLLOWAY: The Leader of the Opposition in this parliament really does live in the past—1982! That was the year that the Leader of the Opposition was elected to this place. What a tragedy! The Leader of the Opposition has not moved on after 22 years.

Members interjecting:

The PRESIDENT: Order! There must be something in the water today. There are far too many interjections. I am trying to make the connection between the previous answer and this question. Other questioners should concentrate on that principle as well. The minister will be heard in silence.

The Hon. P. HOLLOWAY: It was interesting that the leader's quote referred to the uranium market in the 1980s. There was a rather depressed market in the 1980s. It is now several years later, and the markets are somewhat different in the year 2004.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.K. Sneath interjecting:

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

The Hon. NICK XENOPHON: I ask a supplementary question. Does the minister acknowledge that the government's enthusiastic support for Olympic Dam is, from a policy point of view, incongruous and inconsistent with the government's opposition to a nuclear waste dump?

The Hon. P. HOLLOWAY: Certainly not.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question about genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: Members may have picked up from the media that, on Friday 21 May, Canada's highest court sided with Monsanto after a seven-year dispute over technology in farming, giving the agribusiness titan broad rights under patent law to control its genetically engineered crops. The case of Mr Schmeiser has been going on for a long time. He had a meeting here in Parliament House, so I assume that many members will be aware of the circumstances. I am quoting from an Associated Press article of 21 May, in which it is stated:

> The court not only validated Monsanto's patent, but also gave the company the broadest authority to exercise it, not limiting its application to the research lab or cases where farmers more directly benefited from it. 'This could be a disturbing precedent for research' if biotech companies own not just the gene, but everything it gets into, said Andrew Kimbrell, Director of the Centre for Food Safety, a Washington DC-based watchdog group.

Mr Kimbrell went on to say:

> Future cases must decide if the Canadian court's extension of patent rights also extends [legal] liability. 'This could come out and bite the company in Canada', said Kimbrell, if biotech companies must compensate organic farmers, for instance, when crops are contaminated by genetically modified plants and cannot be sold.

Dr Matthew Rimmer of the Australian Centre for Intellectual Property in Agriculture commented on ABC radio about this. He raised these concerns:

> And there seems to be some sort of tension in Australia in the gene technology regulation; in relation to seeds that fly off and there is GM contamination, [it] places the onus upon the biotechnology companies to clean up such contamination. The patent system by contract would place the onus on the farmer whose land was contaminated to deal with those products. So there is potential there for clashes for the existing legal regimes.

Although we have a Clayton's GM-free zone in South Australia, the fact is that Bayer CropScience does have a licence through exemption to grow GM canola. In fact, in the *Victorian Weekly Times* of 19 May, an article quoted Bayer General Manager, Suzie O'Neill, boasting:

> Bayer has already reached agreement with the South Australian government on conducting research trials—

they call it trials, although honourable members would recall that they were called 'limited plantings' in this place—

> this season, and expects to finalise protocols on trial management with the New South Wales and Victorian governments by the end of the week. Ms O'Neill said the company had insisted state governments not impose onerous trial conditions, since the Office of Gene Technology Regulator had already shown GM canola posed no significant human health or environmental risks.

It is clear from that that Bayer CropScience believes it has virtually gung-ho approval in South Australia and we only have three years of what would be called this quasi moratorium before it would be open slather. My questions are:

1. Does the minister recognise that similar action as that in Canada against Mr Schmeiser could occur against growers in South Australia?

2. Does the minister recognise that non-GM crops contaminated by a Bayer CropScience so-called 'trial' or 'limited planting' will have legal grounds for compensation from Bayer CropScience? If not, why not?

3. What advice has the minister sought and/or received regarding the liability issues surrounding genetically modified crops grown in South Australia, whether they be called trials or limited plantings?

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.

STAMP DUTY

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Treasurer, questions about stamp duty.

Leave granted.

The Hon. A.L. EVANS: My office recently received a letter from a benevolent organisation that has been operating in South Australia for many years. To keep its doors open, Prison Fellowship must rely completely on donations to enable it to provide a much needed service to inmates and their families. A large percentage of funds raised through donations is allocated to maintaining a vehicle to provide transport to get volunteers to prisons across the state, including Cadell, Mobilong and Port Augusta at weekly and fortnightly intervals. Inmates serving time in metropolitan prisons are visited daily by Prison Fellowship volunteers. Prison Fellowship is one of the many benevolent charity or non-government organisations in our community providing much needed services. It is my understanding that the New South Wales government does not put stamp duty on the purchase of vehicles for public benevolent institutions and non-government organisations. My questions to the Treasurer are:

1. Would the government consider waiving stamp duty for charity organisations and other non-government organisations reliant on donations to provide their service on the change-over of the new vehicles? If not, why not?

2. Would the government consider waiving stamp duty for charity organisations on the change-over of a new vehicle, particularly organisations that cover excessive distances to carry out their services? If not, why not?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I thank the honourable member for his questions. I am aware of the organisation to which he refers. At one stage in my past when I was shadow minister for correctional services I met that organisation and I am aware of the work that it does. I will pass that question on to the Treasurer and bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Would the government, in the absence of an undertaking to waive stamp duty, consider increasing grants sufficient to cover the cost of stamp duty for these organisations?

The Hon. P. HOLLOWAY: I will also pass that question on to the Treasurer.

DISTINGUISHED VISITOR

The PRESIDENT: I draw honourable members' attention to the presence in the gallery of His Worship the Mayor of Port Pirie, Mr Geoff Brock, who is the mayor of one of the most important regional councils in South Australia.

EDUCATION ADELAIDE

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Education and Children's Services, questions about Education Adelaide.

Leave granted.

The Hon. J.M.A. LENSINK: I refer to the 2002-3 annual report of Education Adelaide, the purpose of which is to facilitate the export of services provided by South Australian education providers, including our universities, schools and the vocational sector. The number of overseas students quoted in *The Advertiser* articles on this topic vary significantly. An article dated 25 March this year cites figures from an organisation called Australian Education International which showed a 22 per cent increase in students from 2002 to 13 467 in 2003. However, Education Adelaide figures for the same period show just 9 000 overseas students residing in South Australia.

Another organisation cited in *The Australian's* education section and known as IDP Education International has research which shows that China's and India's markets may be the future strong performers as student numbers from Malaysia, Singapore and Hong Kong drop off due to fee increases, a strong Australian dollar and the development of their own universities. However, I note that Education Adelaide roadshows have been have been focused mainly on South American countries. My questions to the minister are:

1. To what does he attribute the difference in figures from Australian Education International and Education Adelaide in relation to overseas students in 2003?

2. What analysis has Education Adelaide performed to ensure that it targets the potentially most profitable markets for overseas students?

3. Why does the 2002-03 annual report not advise whether performance targets are being met as per the previous year's report?

4. Why have the performance targets not been adjusted from 2001-02 in spite of growth in the sector of some 22 per cent?

5. On what advice did Education Adelaide decide to focus its roadshow so heavily on South American countries?

6. Does the minister agree with IDP Education Australia that the key markets should be China and India?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Education and Children's Services and bring back a reply.

NATIONAL SORRY DAY

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about National Sorry Day.

Leave granted.

The Hon. J. GAZZOLA: Today in Victoria Square activities are taking place to mark Sorry Day. I am conscious of the apology that the South Australian parliament made in relation to the stolen generation and the pain still suffered by many indigenous people and their families. My question is: will the minister inform the council of the significance of Sorry Day in Australia?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and his ongoing interest in Aboriginal affairs. Today's National Sorry Day gives all Australians an opportunity to further the cause of reconciliation. National Sorry Day has been observed on 26 May every year since 1998, and it involves a wide range of activities throughout the country aimed at acknowledging the impact of the forced removal of Aboriginal children from their families.

In Adelaide, marquees representing the institutions to which the children were removed have been set up at Tandanyangga (Victoria Square) where many people who attended the institutions will gather to share their experiences, and where they will renew acquaintances from around the state. The day will also be marked by the unveiling of two special memorials at Reconciliation Place in Canberra. One is a memorial to the stolen generations, while the other commemorates Aboriginal leaders Vincent Lingiari and Neville Bonner.

The observation of Sorry Day was a key recommendation of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families. Perhaps it is better known as the 'Bringing Them Home Report,' which was tabled in federal parliament in 1997. The impacts of the removal policies continue to resound through the generations of indigenous families. The overwhelming evidence is that the impact does not stop with the children removed; it is inherited by their children in complex and sometimes heightened ways. For those Aborigines who have had the experience of being removed from their families, there are a lot of sad stories to be told, not only by the children themselves but also by their parents. National Sorry Day gives all Australians the opportunity to contribute to and continue the healing process.

Many Aboriginal people have suffered as a result of the policies of Australian governments over time, which, in some cases, continued until the 1970s. Stolen children themselves,

their children and their families and communities continue to suffer grief and an overwhelming sense of loss. National Sorry Day gives us all a chance to remember the mistakes of the past, to advance the healing process and to create a positive future for Aboriginal communities throughout the country. This evening I will be hosting a Sorry Day function, along with my colleagues from another place, Frances Bedford, and, in a bipartisan joint venture, Joe Scalzi. There will be a video presentation and all members are welcome to attend.

The PRESIDENT: Before I call the Hon. Mr Redford, I indicate that I find it quite tiresome when members of the press decide that they will grace us with their presence and then flout the rules in respect of filming in the chamber, such as at the present time when they are supposed to film only people who are on their feet and I am sitting down. If there is continued flouting of the rules, the cameras will be removed. Please take that into consideration. Is the Hon. Mr Redford batting now?

Members interjecting:

The PRESIDENT: Order! Now that the honourable member's fan club has arrived, he can ask his question.

MINISTERIAL STAFF

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Industry, Trade and Regional Development, representing the Premier, a question about ministerial staff.

Leave granted.

The Hon. A.J. REDFORD: Section 17 of the State Records Act provides that if a person disposes of an official record, and that includes destroying or shredding a document, then that person commits an offence and is liable to a penalty of $10 000 or imprisonment for two years. On 10 November last year the former chair of WorkCover gave evidence to the occupational health and safety committee to the effect that he met with the minister responsible for WorkCover (Hon. Michael Wright) on 15 occasions between 15 March 2002 and 23 December 2002.

Further, he informed the committee that he had an adviser who took minutes of those meetings. At the time the minister was responsible for the loss of nearly half a billion dollars in relation to WorkCover's financial position. I sought access to those documents through the freedom of information process. At first instance, I was informed that there were no such documents. I was then informed that, if there were such documents, they were 'personal notes'. Following an internal review, the minister himself said, 'No such document is considered to exist.' I sought external review by the Ombudsman.

In that process the freedom of information officer revealed to the Ombudsman that the documents 'would have been destroyed on completion of these actions.' It was also revealed that the minister's chief of staff, Geoff Baynes, his senior researcher, Mr Michael Ats, and a senior public servant were present during those meetings. Following receipt of that advice, I wrote to the Ombudsman pointing out a number of things, including a series of inconsistencies in assertions made by Messrs Baynes and Ats and, indeed, the minister himself. Following my submission, I received a letter from the Ombudsman today, which states:

> Further to my letter to you dated 8 April 2004, I advise that I have issued a summons pursuant to my powers under the Royal Commissions Act 1917, and I propose to question staff of the minister's office, Ms Kara Lee, Messrs Geoff Baynes, Michael Ats and Randall Barry on 2 June 2004. After that time I shall be in contact with you regarding my views on the matter.

This is the first time in my 10 years of parliamentary life that I have heard of the Ombudsman issuing summonses to senior ministerial staff pursuant to the Royal Commissions Act. In the light of that my questions are:

1. Will the Premier stand down the minister pending the finalisation of the inquiry?

2. Will the Premier stand down the senior staff of the minister responsible until the finalisation of the inquiry?

3. Will the Premier rule out any knowledge on the part of this minister in relation to the destruction of records?

4. Will the Premier rule out the provision of any legal assistance at the cost of the taxpayer to the minister, Mr Baynes and/or Mr Ats?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): Essentially, we have seen an action replay of the question the honourable member asked yesterday. Perhaps, because the media was not present yesterday, he has decided to ask it again today. As I did yesterday, I will replay the answer and I will refer the question to the Premier and bring back a reply.

ABORIGINAL EMPLOYMENT PLAN

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Education and Children's Services, a question about the Aboriginal employment plan.

Leave granted.

The Hon. KATE REYNOLDS: I understand that the Aboriginal employment strategy terms of reference and a draft action plan were presented to, and endorsed by, the corporate board of the previous department of education, training and employment in September 2001. This was developed as part of the former department's stated commitment to managing and promoting diversity within the work force. A subsequent Aboriginal employment strategy report 2003-08 was completed in October 2002. It was the first major review of Aboriginal employment within the department for a decade.

The report details ways of addressing the employment, training and career development needs of Aboriginal people across all sectors of the department. Five major recommendations were made in the key areas of recruitment, retention, career pathways, promotion, and monitoring of the strategy. I will quote briefly from that report, which states:

> The [strategy's] first recommendation is therefore that the percentage of Aboriginal people employed in the department be at least comparable with the percentage of indigenous people (2.1 per cent) within the total Australian population. [In addition to addressing employment issues] increasing the number of Aboriginal people within the department may well assist in addressing the educational disadvantage of Aboriginal children and students in preschools, schools and institutes and in providing an environment which is more welcoming and conducive to the participation of Aboriginal families and community members.

I am sure that is a sentiment with which all members would agree on National Sorry Day.

Many of the actions contained within the strategy are cost neutral as they relate to the improved use of current resources. I believe that, in terms of the numbers of Aboriginal education staff, there were six Aboriginal principals in South Australian schools last year compared with two this year and

that there are only five secondary teachers. These are among 70 indigenous teachers across the whole state, as well as only 120 Aboriginal education workers, of whom 60 per cent are on a fixed and usually short-term contract. My questions on National Sorry Day are:

1. What is the current status of the Aboriginal employment plan?

2. When will the plan be implemented?

3. Has appropriate and realistic funding been set aside to accommodate recommendations contained within the plan?

4. What is the department currently doing to ensure that policies and support structures are in place to increase the retention rates of Aboriginal staff across all education sectors?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I congratulate the honourable member on the research that she has done, the way in which she framed her question and the positive way it has been approached. I will refer those important questions to the minister in another place and bring back a reply.

GAMBLING

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

1. What research is being undertaken or proposed through the Independent Gambling Authority to measure current levels of problem gambling in South Australia; what criteria, methodology and benchmarks are being, or will be, used to measure problem gambling levels; and how does this compare with previous prevalence studies undertaken in South Australia, including the surveys commissioned by the Department of Human Services under the previous government

2. What research is taking place, or will take place, in respect of the qualitative benefits of harm minimisation measures, either in place or proposed? I draw the minister's attention to the Victorian independent gambling research panel's report of today's date in respect of such measures.

3. How does the government propose to monitor the impact of new gambling codes of practice and proposed gambling codes of practice and other legislative measures to gambling laws and the level of problem gambling in the state?

4. What resources are available to ensure such monitoring on a comprehensive basis?

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

BUSINESS ENTERPRISE CENTRES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about business enterprise centres.

Leave granted.

The Hon. R.I. LUCAS: The Leader of the Government today made a ministerial statement on the subject of business enterprise centres and, in part, responded to some questions asked by my colleague the Hon. John Dawkins in recent days and weeks on this subject matter. We are also aware, as the minister indicated I think yesterday, that he has written to business enterprise centres, and in his correspondence he refers to 'the recent review into the future role and function of the network of small business service providers in the Adelaide metropolitan area'—I repeat: 'the recent review into the future role and function'. My questions are:

1. Who conducted that recent review into the future role and function of the network of small business service providers?

2. When did that review body report to the minister; and what were the conclusions of that recent review?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): A review of the business enterprise centres was undertaken some time ago, I believe in May 2003. As a result of that review and in liaison with the Department of Trade and Economic Development and the relevant industry and advisory groups, including the Business Enterprise Centre of South Australia (BECSA, the peak body), the LGA and the Small Business Development Council, the department reported to me on potential models for the BEC network, including recommendations on the future role and function of the network of small business providers in the Adelaide metropolitan area.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not sure who undertook the original review; I would have to find out. It was May 2003, but—

The Hon. Caroline Schaefer: Don't you read your briefing notes?

The Hon. P. HOLLOWAY: It was May 2003; that is when it was. I do not really need to know who did it. This opposition really does love living in the past, doesn't it? There has been an election: you are actually in opposition now. It is about time the Leader of the Opposition and his colleagues caught up with things. When I took over the ministry, the department reported to me on potential models for the BEC network, including recommendations on the future role and function of the network of small business providers in the Adelaide metropolitan area. As I said in my statement earlier today, over the coming months there will be further consultation with interest groups in order to refine the future shape of the provision of small business services. I remind the coucil that BECs involve local government so, if one is to change these business enterprise centres, one needs to negotiate closely with local government.

One of the problems we had under the old BEC model, which existed under the previous government, was that it did not cover all the areas of the Adelaide metropolitan area. Some councils were not part of the BEC network. Obviously, one of the new objectives of the new model, which, as I said earlier, I will be seeking to develop by the end of this year so that it can be in place for 2005—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I would like to do it quicker, but we do have to involve local government. Local government is an important part of the BEC networks.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I made a decision; in fact, I announced it today. They have had quite advanced discussions with the LGA, but it is important that we cover all the gaps. It is important that the business enterprise centres cover every local government—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No; we will not force them. We do not want to force local government. We want a better model than what we had under the previous government,

where there were gaps. We are trying to improve that and, with negotiation, that is what I have every confidence we are doing. I take this opportunity of thanking Mr Stephen Hains, who was, of course, the Chief Executive Officer of the Salisbury council. He is also, until the end of this month, the Chief Executive Officer of the department. He has taken a particularly keen interest in this matter and has assured me that he will continue to take a keen interest in it, because of his contacts within local government, to ensure that we can get as comprehensive a network of business enterprise centres across the state as possible.

The government has received a submission from BECSA that outlines certain objectives, and we hope that we can work with local government to achieve those objectives. The announcement that I have made today is really the first step in moving towards delivering this new model, which will provide high quality services that will better meet the needs of the small business community—because, of course, the small business community is a very important part of business in this state.

So, we will fund the eight existing enterprise centres for the 2004-05 year, but negotiations are already well advanced (and, as I said, I thank Mr Hains for the work he has done on this) with local government to try to ensure a more efficient network that will comprehensively cover the Adelaide metropolitan area. Also, I indicate that negotiations are also well advanced with the Adelaide City Council in relation to a business enterprise centre in the city area, which of course would be important to complement the network. I indicate to members that we are also negotiating with the city council in relation to that. So, I am quite confident that before the end of the year (hopefully, well before the end of this year) we will be in a position to announce the new structure and that it will greatly improve the services that we deliver through the business enterprise centres to small business.

The Hon. R.I. LUCAS: I have a supplementary question. Given that the minister has indicated that the recent review referred to is actually a May 2003 review, will he indicate who is conducting the ongoing review of the future role and functions of small business providers that he referred to in his ministerial statement today?

The Hon. P. HOLLOWAY: As I indicated, Mr Stephen Hains, as the chief executive of the department and a person who has a great interest in support services that local government delivers to small business, has taken a particularly keen interest in this, and this internal review within the department has been—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, obviously with the assistance of key officers of his department, but Mr Hains has taken the authority (I suppose that is the word one would use) for this review. I think that was recognised when the Hon. John Dawkins asked me a question some time back. I think it was the Hon. John Dawkins who referred to the Hains review so, obviously, his colleague well knows that Mr Hains has taken a central role in the review.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Again, I answered that in response to the question today. I said that Mr Hains has taken a particularly keen role, and I would be keen to see him involved. He will return to local government.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: He will not be chief executive of the department, but he will return to a significant role in local government—of course, there is the business enterprise centre in Salisbury. I will ensure that Mr Hains plays a significant role in the ultimate outcome of this network but I suspect that, before he leaves the department, he will provide me with a report on the negotiations to date.

The Hon. J.S.L. DAWKINS: I have a supplementary question arising from the minister's answer. Will the minister confirm whether he is aware of the existence of a joint state and local government working group on BECs led by Mr Hains but also involving local government senior officers and officers of DTED?

The Hon. P. HOLLOWAY: Let me repeat the exact words I used before. As a result of the review and in liaison with the Department of Trade and Economic Development and relevant industry and advisory groups (including BECSA, the LGA and the Small Business Development Council), the department reported to me on potential models for the BEC network.

The Hon. R.I. Lucas: You said Hains was doing it.

The Hon. P. HOLLOWAY: Mr President—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Leader of the Opposition is a past master at distortion; he has made a habit of it. If the Leader of the Opposition cannot understand English, then he had better go and read a book, but I do not believe there is any need to provide a further answer.

The Hon. J.S.L. DAWKINS: I ask a further supplementary question.

Members interjecting:

The PRESIDENT: Order! There are far too many interjections.

The Hon. J.S.L. DAWKINS: The negotiations, consultations and reviews have been under way for many months. Why will it take up to a further seven months to reach agreement on the new BEC structure?

The Hon. P. HOLLOWAY: Perhaps I should start answering questions in baby talk, because that might be the only thing that members opposite understand. We are dealing with local government. Local government is an independent level of government. As I indicated, I am hopeful that we can get an answer very shortly. Mr Hains assures me that the negotiations are very advanced. He is confident that they will reach a decision very soon. When you are dealing with local government, because of their consultation processes—and a large number of different independent levels of local government are involved—these things take some time. Any delay will not be the fault of the Department of Trade and Economic Development.

Members interjecting:

The PRESIDENT: Order!

DISTINGUISHED VISITOR

The PRESIDENT: I draw members' attention to the presence today in the President's Gallery of former senator Mr Young who was the president of the Australian Senate. Welcome to our parliament, senator.

Honourable members: Hear, hear!

MIDWIFERY GROUP PRACTICE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the minister representing the

Minister for Health a question about the Midwifery Group Practice.

Leave granted.

The Hon. SANDRA KANCK: Last month I attended a very warm function—warm in terms of emotional appeal—and that was the official launch by the Minister for Health of the sole Midwifery Group Practice at the Women's and Children's Hospital. The group practice offers women continuity of care through their pregnancy, the birth and postnatally with known midwives. Although operating only since the beginning of this year, it is highly popular, and we were told at the launch that every week 50 to 60 women who ask to have their babies through this program are turned down. Instead, they have to be accommodated within the existing system which means they do not necessarily know the person they will see from one check-up to another or who will be assisting in the birth.

Women who experience continuity of care with a midwife develop deep respect for the women who are assisting them, and it is very much a two-way street. The demand is clearly there for more midwifery group practices, both at the Women's and Children's Hospital and elsewhere. Last year in this place I asked a question about the increased demand for maternity services at the Mount Barker District Soldiers Memorial Hospital because expectant mothers in that area were being put on waiting lists for admission to the hospital and many were being forced to have their babies in Adelaide. With that sort of demand, Mount Barker would be an ideal hospital for the extension of midwifery group practices. My questions are:

1. What steps is the minister taking to ensure that midwifery group practices will be extended to appropriate hospitals across the state?

2. Will the minister give particular consideration to establishing a midwifery group practice at the Mount Barker District Soldiers Memorial Hospital?

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

SOUTHERN SUBURBS, BLACK SPOTS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about the southern suburbs black spots.

Leave granted.

The Hon. T.J. STEPHENS: As members would be aware, the Labor Party detailed many promises and policies in several documents that would be implemented if they were successful in achieving office at the 2002 election. Many of these promises have not been met or have been broken. Members would also be aware that there are an unacceptable number of car accidents on South Australian roads that claim the lives of too many South Australians every year. In its 2002 election policy document under the title of 'Roads and Transport', the manifesto claimed that a Labor government would also investigate local black spots such as the Flaxmill, Wheatsheaf and South Roads intersections which have a high rate of crashes and injuries. My questions are:

1. Can the minister advise whether the government has fulfilled its promise from the last election?

2. What action is the government taking to remediate these particular black spots?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will pass that question onto the Minister for Transport and bring back a reply.

MUNDULLA YELLOWS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Environment and Conservation questions about Mundulla yellows.

Leave granted.

The Hon. J.S.L. DAWKINS: Members would be aware of the broad community concern about the effect of the Mundulla yellows disease on native vegetation throughout South Australia and beyond. I understand that the Australian Research Council has coordinated a three-year project to study the distribution and spread of potential molecular markers for Mundulla yellows. A key part of this project is the development of a diagnostic test which will ensure that planting stock used in revegetation programs is free of Mundulla yellows. Project partners of the ARC include the Waite campus of the University of Adelaide, the Western Australian Department of Conservation and Land Management, State Forests of New South Wales, Transport SA and the Tatiara, Barossa and Coorong councils. My questions are:

1. What support, if any, is being provided to the Australian Research Council project by the Department of Environment and Conservation?

2. Why is the department not involved in the project as a key stakeholder?

3. What level of funding is designated by the Department of Environment and Conservation in relation to Mundulla yellows research?

The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation): As Minister Assisting the Minister for Environment and Conservation and as shadow minister before we arrived in government, I was made aware of Mundulla yellows quite regularly, and particularly by people from the South-East.

The Hon. Sandra Kanck: At first, in this place, by the Hon. Mike Elliott.

The Hon. T.G. ROBERTS: That is probably true.

The Hon. Caroline Schaefer: It is true.

The Hon. T.G. ROBERTS: Well, I am unable to verify that at the moment. The situation is particularly bad as you travel to Mount Gambier, the Coorong and the roads through Keith.

The Hon. D.W. Ridgway: And the Riddoch Highway.

The Hon. T.G. ROBERTS: And the Riddoch Highway. As you travel down the Riddoch Highway you can see the devastating effects of Mundulla yellows. I would hope that we would be playing our part nationally, because it has now become a national problem. I would expect support to be given to any investigatory bodies, institutions and our own research to be trying to deal with the problem because it is a very serious one and, if it is not solved, we will lose a lot of our healthy gums because it is not just killing dying gums in some of the more saline areas but it appears to be taking some of the healthier gums in the region. I will refer the question to the minister in another place and bring back a reply.

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise what additional funding the government is prepared to allocate if the problem that is being described can be eradicated?

The Hon. T.G. ROBERTS: I note the importance of the issue to all members in the council. Funding issues may have to be directed to the Treasurer, but I will certainly take it up with the Minister for Environment and Conservation in another place and bring back a reply.

MATTERS OF INTEREST

FEDERAL BUDGET

The Hon. R.K. SNEATH: I take this opportunity to speak about the federal Liberal government's lack of support for the disadvantaged and low income earners in the recent budget. It is obvious that this federal Liberal government is determined to continually widen the gap between the rich and the poor. To give people earning over $100 000 a tax cut over a person earning $30 000 is an absolute disgrace. For the Liberals and the Democrats to put the GST on ordinary pensioners was bad enough, but to again forget ordinary pensioners in this budget was a further kick in the guts for our aged who have paid their dues throughout their working lives. Not only has the government forgotten the low income earners when it comes to tax cuts but it has also forgotten them in relation to services. The fear that families have over Medicare and bulk billing are well founded under this federal Liberal government.

This government has also forgotten the farmers of Australia. Apart from maintaining some of the ongoing drought relief support schemes, it has forgotten the bush; and it has always forgotten the bush. It takes their vote for granted. This budget, handed down at a time when an election is close, must really worry the battlers, because this Liberal government has made a big mistake by aiming the billions of dollars spent in this budget at those who it believes to be swinging voters. A government that throws money around in an attempt to attract votes at the expense of the poor is an absolute disgrace.

The Advertiser headline of 12 May was 'Big spending Costello pitches for middle Australians' votes'. That is exactly what this budget did: it pitched for votes and neglected those in need of some assistance. Those of us fortunate enough to afford to pay higher taxes under this federal government do so hoping that the poor in society will be helped with those taxes. This has not been the case with this budget. How the members of this federal government can sleep at night is beyond me. How the members of the opposition benches in the state government can support such a government is also beyond me. But then, they do not care about the poor or the battlers, either. They do not care about South Australians. There are very few people in this country who support the widening gap between the rich and the poor, yet we have a federal government that robs the poor to give to the rich. The current federal Treasurer would make the sheriff of Nottingham look like an angel.

This budget has done very little for South Australians. We are one of the lowest paid states in regard to blue-collar workers. There is no new money in this budget for the Murray River. There is hardly a word about health issues, and there is hardly any money for federal project works within South Australia. However, the federal government continues to fight to bury everybody's radioactive waste in South Australia's backyard, and it continues its fight to prevent workers from having representation at their workplaces. It continues to fight to keep innocent children behind barbed wire fences in detention centres, and it continues not to say sorry to Australia's stolen generation. It continues to be a heartless, non caring and cold-blooded government, as this budget shows.

This will continue only until the next election when relief will come for all Australians when the caring and compassionate Mark Latham leads his team to victory. We can look at what this current Liberal government has done to the ranking of politicians. According to the *Reader's Digest* list of Australians most trusted, we used to be above lawyers, journalists, CEOs, real estate agents and car salesmen until this federal Liberal government came along. Now that it has, we have gone to the bottom of the list because nobody trusts this federal Liberal government that governs on the ideas of Americans and follows her examples of war and industrial relations. Nobody trusts it, and we are about to throw it out.

AUSTRALIAN WORKPLACE AGREEMENTS

The Hon. D.W. RIDGWAY: Today I rise to speak about the merits of Australian workplace agreements. Australian workplace agreements (AWA) are administered by the federal office of the employment advocate and represent a genuine and viable alternative to the current union dominated award scheme. AWAs are a flexible method of bargaining to achieve a compromise between employers and employees.

They are incredibly simple and can be completed over the internet on the web site of the Office of the Employment Advocate. AWAs offer the opportunity for individual contracts to be negotiated to fit individual employment situations. Employees who are casuals or subcontractors can negotiate a status that gives them added job security with the same or better rate of pay as the award. This added security makes it easier for casual workers to obtain loans in order to buy their own homes.

An industrial relations bill, the Industrial Law Reform (Fair Work) Bill, will soon be introduced into another place and, with an array of absurd rules, this further impinges on the ability of business and business owners to conduct their business. The most glaring example of this is the amendment that will give unions unprecedented access to any workplace, even if the business has no union members but merely the potential to have a union member. The fair work bill—known as the 'no work bill'—proposes the introduction of an agent's bargaining fee applicable to anyone who has, supposedly, benefited from union-driven negotiations.

This is blatant fund raising for the ALP. It is these complex anti-employment rules that make businesses so afraid of industrial law reform. Submissions received by my office indicate fear and contempt within the South Australian business community for the proposed legislation and that it will cost jobs and investment as it makes South Australia a difficult place in which to do business. Is this the political climate South Australia needs? Not likely! Recently, it was announced on 5DN that the number of small businesses had dropped by 13 per cent over the last two years. The only state to come close to this figure was Victoria with a 6 per cent drop—13 per cent may not sound like very much, but small business is the engine room of the South Australian economy and employs the vast majority of South Australians.

Of course, there is the other side of the argument: protecting the workers. I am not opposed to workplace standards, but in February this year the Hon. Bob Sneath spoke in this place of employment contracts. His Matter of Interest contribution centred on an employment contract put together by a pastoral company. The honourable member called it a 'heartless document', to which the only contribution the employee made was to put their signature on the bottom of the page. In calling this agreement a 'heartless document', the Hon. Bob Sneath blithely assumes that all workers want full-time employment.

In our modern economy there is a sizeable and growing group that prefers the flexibility and higher rate of pay associated with casual work. Statistics on AWAs indicate that there are 3 400 live AWAs within the agriculture, forestry and fishing industries and that this figure is trending upwards. In fact, AWAs across all industries are increasing. The Office of the Employment Advocate is rigorous in its application of a no-disadvantage test when comparing Australian Workplace Agreements to the industry award ensuring that employees are not forced into unfair contracts.

Perhaps an AWA's combination of flexible and fairness is why the union membership is at a historic all-time low. The structure of Australian Workplace Agreements prevents disputes as the document, essentially, is a compromise between the employer and the employee. Currently, there is no room for mutually consensual agreements to fall outside the award scheme—for example, agreements to make up time in one day in exchange for time off on another day. AWAs provide for the changing demographics of our society that do not fall into the typical 40 hours a week category.

Unions are afraid of workplace agreements, as they would cut them off from the bargaining process, and that in turn reduces their membership and their dues. This upcoming union-driven legislation being pushed by the ALP and its union mate Trades Hall as a result of the federal Labor policy to scrap Australian Workplace Agreements and to rely on interventionist policies to employ people will deal a vicious blow to the South Australian economy.

Members interjecting:

The PRESIDENT: Order! As the proponent of fairness, I think that it was quite unfair of members to keep interjecting, and I wish that they would stop.

PORT VINCENT

The Hon. J. GAZZOLA: Mr President, I can assure members that this contribution will bring the chamber together. We will speak as one. Last month, representing the Minister for Tourism, I had the distinct pleasure of awarding Australia's Tidiest Town Award trophy to the Port Vincent Tidy Town Group. At a civic reception organised by the District Council of Yorke Peninsula, the community of Port Vincent, together with officers and members of the group, celebrated the latter's remarkable achievements in capturing the national award, as well as the additional titles of the Outdoor Advertising Association of Australian Community Action Award and the inaugural Dame Phyllis Frost Award for Outstanding Achievement.

'Capturing' is probably the wrong term. When we look at the history of the group's endeavours, we can see the thought, dedication and persistence it has shown, the pride it has in the town and the town environment, its history and its appeal as a tourist venue. Port Vincent, through the efforts of the community and its Tidy Town Group, has been a top 10 finalist some 10 to 12 times, has won the state Tidy Town Award twice, was inducted into the KESAB Hall of Fame in 2002 and now holds the prestigious national title. When we compare the population of Port Vincent to other more populous finalists and the total number of finalists—some 1 100 in all—we can appreciate the remarkable commitment and cooperation shown by the Port Vincent community in its achievements. Regular visitors and the community alike have always appreciated what Port Vincent has to offer. The national title will allow the town to further promote its, and the region's, natural beauty, history and pristine environment. It is these things, as well as the fishing and friendly people, that drew me and my family to Port Vincent as a resident, albeit a part-time resident.

The figures on the importance of tourism to the town and the peninsula are impressive. In 2003 over 500 000 visitors overnighted on Yorke Peninsula, to the tune of around $64 million—an expenditure trickling through to the greater community. In order to grow on this, part of the prize to achieve greater national awareness and tourist interest will be the promotion across Australia of Port Vincent as a top tourist destination through the advent of 60 billboards over the next 12 months.

I congratulate the Port Vincent Tidy Town Group and its numerous allied partners, including the district council, local business, members of the community and staff members of the Port Vincent Primary School. In particular, I congratulate Mr Bob Biggs, the Chairman, and all 37 hardworking volunteers and organisers of the Port Vincent Tidy Town Group; and the Port Vincent Progress Association President, Mr Phil Melling; as well as thanking the official town crier, Mr Bob Foster, MC Rodney Button and KESAB's Ross Swayne for their participation in the awards. I also congratulate office bearers of the District Council of Yorke Peninsula—Mayor Robert Schulze, Deputy Mayor Ray Agnew, CEO Steven Griffiths and Councillor Jeff Cooke—on their efforts in the awards and, in general, to the council, which hosted the civic reception. Well done to Port Vincent Tidy Town Group and to all concerned.

AUSTRALIAN TRANSPLANT GAMES

The Hon. J.F. STEFANI: Today I wish to speak about the 9th Australian Transplant Games, which will be held in Adelaide from 26 September to 3 October 2004. It is expected that more than 1 000 participants will attend the transplant games from every state of Australia, as well as England, France, Germany, Indonesia, Japan, New Zealand, Sweden, Thailand and the USA. In order to be eligible to compete in the games, a competitor must be currently on dialysis or be a recipient of one of the following transplants: heart, kidney, heart-lung, liver, pancreas, small or large intestine, cornea or bone marrow. The transplant games consist of 12 sporting events, including swimming, track and field, cycling, squash, golf, ten-pin bowling, cricket, volley ball, table tennis, lawn bowls, badminton and a five-kilometre road race. There will also be recreational events such as chess, scrabble, bridge, backgammon and pool.

The aim of the transplant games is to raise awareness of the need for organ and tissue donation in Australia and, at the same time, demonstrate to the general community that recipients can achieve a high quality of life following transplantation. The games are also a way of expressing gratitude to donors and their families for the gift of a new life. Transplant Australia is one of the largest transplant recipi-

ent/dialysis patient support groups in the world. The organisation has more than 4 300 members, consisting of transplant recipients, people waiting for transplants, donor families, medical professionals and supporters.

All these people donate their time and effort to Transplant Australia in order to promote greater awareness of the need for more organ and tissue donations. The Australian Transplant Games are an important part of this objective. Transplant Australia also works very closely with the Australian Organ Donor Register. More than 1 500 Australians are waiting for a life-changing telephone call. They are waiting for a kidney transplant and a phone call that will take them to hospital for a transplant. If they are lucky, they will receive a call within three years but, unfortunately for some, it may never come. There are not enough kidneys to help people awaiting a transplant. Even though many Australians agree to donate their organs after death, written permission must also be obtained from the next of kin, and this is often refused during the shock of sudden bereavement.

The donation rate is further compromised because only 1 per cent of deaths occur under conditions that make transplantation possible. Most Australians are more likely to need an organ than they are to give an organ. There are many people waiting for tissue or organ donations and, unfortunately, about two people die each week waiting for a transplant. Following the staging of the games in other states of Australia, organ and tissue donations have significantly increased each time. The 2004 Australian Transplant Games to be staged in Adelaide will be graced by the attendance of His Excellency, Major General Michael Jeffery, Governor-General of the Commonwealth of Australia, who is the patron of Transplant Australia. I am confident that the games to be held later this year will surpass the past success and achievements of the previous games, and I wish all participants, together with the members of the organising committee, every success for the games.

CHARLES STURT COUNCIL, DEVELOPMENT APPLICATION

The Hon. SANDRA KANCK: Earlier this year I became aware of two somewhat controversial development applications under consideration by the Charles Sturt council, both in regard to the same property at 352 Seaview Road (known to locals as the old Tom the Cheap site)—and I do note that the member for Enfield has also raised this matter in the parliament. Local residents had been keeping a close watch on this site because of general concerns they held about the council employees' developed master plan for Henley Square. Residents were concerned about the alienation of public open space and issues such as the proposed heights of buildings being inappropriate for that area.

The owners of 352 Seaview Road had lodged a development application with Charles Sturt council last year—there is nothing unusual about that—and, as part of the normal process of public consultation, the Henley and Grange Residents Association had lodged a submission with council about that application, calling on council to lower the maximum height of the proposal if the application was to be approved.

The unusual aspect of this saga is that a second development application for the same property was lodged by the same developers: not an amendment to the original plan as would usually be the case but a second plan without the first plan being withdrawn. The second application included building across a laneway, with some of the land from the previous application no longer up for development. However, members of the public were particularly shocked because, while the first application had been for a three-storey building, the second one was for a four-storey building.

Locals started asking questions such as: what has prompted the developer to put in a second application; what has made the developer think that a taller building would be acceptable to council; and have any undertakings been given to the developers by council staff which would have led the developer into believing that, if he gave away part of his land, council would give favourable consideration to the second and taller application?

Members of council became aware of community unrest, and the matter was discussed at a meeting of the council in January. A motion was moved to request the Minister for Local Government to initiate an independent inquiry into the matter, but this was defeated nine votes to seven. Instead, the mayor initiated an inquiry into the circumstances surrounding the second development application, to be conducted by a lawyer whose job it would be to investigate all correspondence between the developers of 352 Seaview Road and Charles Sturt council.

Some elected members of the council and members of the public were sceptical of the outcome because the lawyer appointed had previously been employed by the council. Nevertheless, local residents, who have obtained a copy of that report under freedom of information legislation, indicate that they are happy with the 52 page report, which they say has been done very thoroughly. The report suggested to council that employed staff involved in this matter should be spoken to and that council give some consideration to altering some of the processes involved in handling development applications.

Since that time, the developer has withdrawn the second application and its first application has now been approved by the council. I wonder, however, whether the Minister for Local Government should still conduct his own inquiry into this matter. Planning staff in local government have delegated authority to make decisions about many and most of the development applications that are lodged with councils, and close to 97 per cent of applications are able to be approved by planning staff in a timely way. But one wonders, when the applications are about much more than someone's simply erecting a carport, whether there should be greater accountability and transparency required of local government officers involved in planning issues.

RURAL SOUTH AUSTRALIA

The Hon. CAROLINE SCHAEFER: I rise on the eve of the state budget to raise some of my concerns about what I believe may happen in rural South Australia, perhaps not so much as a result of current government funding and budgetary measures but what may be projected will happen in the future. Mr President, since you live in rural South Australia and, I know, travel extensively throughout the regions, you also would be aware of the concern raised by cuts of $22 million over two years to the primary industries department and, more recently, cuts to outback funding. As a result, even if this budget retains the status quo, rural South Australia will be going backwards in real terms.

Some of the main sources of funding over the past few years have come from federal funding and, in particular, in

relation to remediation work and on-ground environmental restoration work, the National Heritage Trust and the National Action Plan (for which the state government is required to put in dollar for dollar funding) have been a major source of funds for the rehabilitation of degraded areas throughout the state.

As a member of the natural resources standing committee, last week I travelled, with other committee members, to the Murray River and saw one of the great success stories in saving irrigation water and putting water back into the Murray for environmental flow, and that is the piping of irrigation water and the closing of open drains in the Loxton area. That was achieved with $30 million of funding, but certainly $20 million was accessed through the National Action Plan. I think both this state government, and certainly the previous state government, have been extraordinarily grateful for that money—as have local people, who have also generally been expected to put in one third of the funding. So, in the case of the Loxton irrigation scheme, my understanding is that it was funded by $15 million of national money, $15 million of state money and something like $5 million of local money.

My concern and the reason for using this time today is that, in researching my question with regard to FarmBis and finding that, in fact, there has been a cut to that funding in today's announcement by Premier Rann (not an increase but a cut), I went searching for what had happened in the federal budget. That then led me to some of the statements that the federal Leader of the Opposition has made with regard to national funding, both previously and in his post-budget address. For instance, Mr Latham has refused to rule out that he will not axe the Natural Heritage Trust. In fact, he has refused to answer any questions—

The Hon. R.K. Sneath: When was that—1982?

The Hon. CAROLINE SCHAEFER: No. Immediately post this budget, Mr Latham refused to say that he would not continue the Natural Heritage Trust even though he would be flying in the face of 420 000 volunteers across the nation and cause them great consternation. In fact, he has said that he is going to introduce a national plan for the rehabilitation of the River Murray, ruling out therefore the agreement which has already been signed by all Labor states with the current national government. Mr Latham has actually said in this statement that he will take over the running and rehabilitation of the River Murray. Further to that, Mr Latham has said that he plans to abolish the BRS and cut the budget of Abare—which is probably the only sound rural economic forecaster for Australia—by 25 per cent. Further to that, Mr Latham has promised that, if elected, he will start out—not finish, but start out—by cutting 13 government programs, mostly from rural South Australia and Australia.

Time expired.

WORLD CONGRESS OF FAMILIES III

The Hon. A.L. EVANS: I want to speak this afternoon about the World Congress of Families III. At the end of March this year, this international conference was convened in Mexico City over three intensive days. The Congress was truly ecumenical and international. Over 3 000 delegates came from all over North America, Central and South America, Europe, Britain, Africa, Australia and New Zealand, the Philippines, Japan and Korea. Evangelicals, Pentecostals, Lutherans, Catholics, and Mormons were active participants. There were a number of Muslims, too, from countries of Africa and Eastern Europe as well as some very prominent Jewish delegates.

Many of the delegates to the conference have been engaged in significant work to promote the health, well-being and sustainability of the family in the modern world. Foundational principles for study, debate and discussion at the conference included the recognition of the natural family as the fundamental social unit. Many prominent international experts presented their work on the vital importance of the family for the social and economic health of societies. The importance of marriage was explored as foundational to stable and healthy family life, bringing security, contentment, meaning and joy to spouses. Men and women committed to each other in a marriage relationship were seen to be the best guarantee of an optimal environment for the healthy development of children.

The delegates were able to study and discuss the rapidly growing tide of research evidence showing that children growing up with the close involvement of both the natural mother and father in an intact family have by far the best chances in life on every conceivable and measurable outcome. The relationship with hundreds of different outcomes for the child's growth and development in an intact natural family holds true even when all other socioeconomic variables are accounted for. The congress therefore raised the vital importance of the development of policies and legislative change at all government levels that are better able to promote the health, stability and sustainability of natural families. The health and status of the natural family, and therefore marriage, was seen to be linked to the many significant social and economic issues confronting societies all over the globe. Speakers discussed the social and economic dimensions of the family and the increasing serious ramifications for family breakdown and destabilisation.

The key item of the conference was an exploration of the economic concept of 'social capital' as a way of quantifying all positive benefits and contributions that healthy families make to vibrant, sustainable and healthy societies and economies. Problems arising for the impact of industrialisation, capitalism and socialism were explored. Some speakers evaluated the historic development that had changed the situation of families in order to improve the understanding of the forces working for and against families.

A number of leading government representatives from around the globe were able to offer details on the policy and legislative changes being introduced within their countries. Policies in relation to taxation, welfare, family law and population were discussed. Presentations from Latvian and Italian delegates were especially interesting as they explained the ways that their governments were trying to grapple with a looming demographic crisis. In particular, they outlined some of the strategies that they were implementing to enhance women's choices and the capacity to balance their work and career needs with their desire to have children.

One of the key themes of the conference was a growing sense of crisis about the bereft state of the family around the world and the need for governments to act to restore their focus on enhancing the family's status and health. Another key theme was a sense of confidence over the great development of resources and growing sense of unity of purpose among the many organisations working for change.

GAMING MACHINES (EXTENSION OF FREEZE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1587.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak to the second reading of this bill. I have spoken a number of times previously on freeze legislation (cap legislation, as it is sometimes called) and my views are known, but I intend to put them on the record again. In doing so, I thought I would assist newer members of the chamber with the views of some members of this parliament in relation to freeze and cap legislation from previous debates. The first point to make in relation to all this is an issue that, I know in some of my public discussions, has slipped the minds of many people, which is that the legislation allowing poker machines was introduced by the former Bannon-Arnold Labor government in 1992.

When one goes back to the debates of the time (it is certainly my clear recollection of the discussions at the time) one of the prominent supporters of the poker machine legislation was indeed the current Premier, Mike Rann. I refer members to the *Hansard* debates of March 1992 where one can see clearly that Mike Rann, the current Premier, is listed prominently as one of the supporters in all the important votes and divisions in the House of Assembly on the issue of poker machines. Of course, the Leader of the Government in this place does not like to have the chamber reminded of the past views of the Premier and ministers of this government.

He has the view that nobody should be judged by what they said previously. This government is clearly entitled to change its views on a whim. It can be accused of hypocrisy; it can be accused of not being prepared to stand on a principle; indeed, it changes its principles when ever it wishes. Shock, horror and humbug should anybody stand up and remind these members of what they previously said on important issues, whether that be uranium or gaming machines in South Australia. As I am sure you would support, Mr President, the opposition will not be intimidated by the bluff and bluster from the Leader of the Government and others within the Rann government. Ministers and this government will have to be judged on their record, not only for the two years or so that they have been in government but also for the previous periods of government and opposition, and as public figures and members of parliament.

I will not go through all the detail of the current Premier's views in relation to poker machines, but he was a strong supporter. To be fair, this is to be contrasted with other premiers in the state since that time; for example, Dean Brown and John Olsen were opponents of poker machines and, from the original votes on these particular issues, I know that premier Arnold was one of the few Labor members in the House of Assembly to vote against the poker machine legislation in 1992. I think that, to be fair, the Hon. Lyn Arnold opposed the final vote on the third reading, and the current Attorney-General, Michael Atkinson, has been a consistent opponent of gaming machines during all his time in the parliament. To be fair, in the original vote of 1992, former premiers Olsen and Brown were probably not members of the state parliament. I think it was probably during the period when they were outside state parliament, and their views on poker machine legislation were expressed after they returned to parliament. Former premier Kerin was not here in 1992 but, of the last five premiers, during the early 1990s only Premier Rann was a strong supporter of poker and gaming machines in South Australia.

Coming to this vexed issue of caps or freezes which started in about 2000, I want to look at this issue of hypocrisy, whether what people say at one particular time they are prepared to follow through on another occasion and how, if at all, their principles change depending on their position in the chamber. Of course, Mr President, I will not refer to any contributions you might have made at any stage during these debates. I will refer to contributions made in 2000 by a number of members and in particular the current Deputy Premier, the now member for Port Adelaide and the then member for Hart. In a passionate contribution on 30 November 2000, he stated:

> I will oppose the cap today just as I have opposed the cap previously, and will continue to oppose the cap in the future.

That is pretty clear. He continued:

> I will not waver in my opposition to a cap because I believe it is fundamentally wrong and flawed. This is a personal view. My colleagues have a different view; they are entitled to it. At the end of the day it is for all of us to make our own objective assessments. Those in the community, the hotel industry and in other parts who think that by supporting what the Premier is doing tacitly, covertly or overtly is a good idea are letting their own industry down because, if the arguments for or against a cap are so strong, we should have those arguments. We should not waver from those provisions and we should be prepared to stick by our views and our convictions. We should not be prepared to be flexible and to accommodate the political imperatives of the Premier.

I repeat—

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.I. LUCAS: Well, it is interesting to look at the current Deputy Premier's attitude to this legislation. I will refer to that in greater detail in a moment. I repeat the passionate words of the current Deputy Premier in the year 2000:

> We should not be prepared to be flexible and to accommodate the political imperatives of the Premier.

Later, he stated:

> . . . you do not make a policy that affects the people of South Australia via a headline in *The Advertiser*, you make it in this place.

The PRESIDENT: Wise words.

The Hon. R.I. LUCAS: Wise words indeed! Let me get your interjection on the record. Even Labor members will chuckle at that statement from the current Deputy Premier, given some of his statements on not just gaming machines but also other issues, such as the Anangu Pitjantjatjara issues. He further stated:

> I oppose the cap; always have, always will.

That was the fourth time he said that, contrary to the provisions of standing orders in the House of Assembly regarding repetition. That was the debate in 2000. In 2001 he stated:

> I have been a consistent opponent of a cap; I remain an opponent of a cap and will vote against a cap today and always will do so in this House, because I think it is a wrong instrument with which to deal with what is considered by many as gambling related issues, in terms of the negative impacts on a number of people in our society. I happen to think that a blanket cap is the wrong policy tool for a government to use. We can see the effect of a cap, and I believe that, when governments and parliaments intervene in the market without thinking through the consequences of their actions, unintended consequences occur.

An honourable member: Who said that?

The Hon. R.I. LUCAS: That is the current Deputy Premier.

The Hon. P. Holloway: Unfortunately we had one, because no-one in this council voted against it in the end;

that's the reality. That's why we've got it. That is on the record. In the end, no-one called for a division on the vote, so it went through without opposition. That is why we have this.

The Hon. R.I. LUCAS: That is not true; there was opposition.

The Hon. P. Holloway: No-one called for a division.

The Hon. R.I. LUCAS: You did not call a division is what you said.

The Hon. P. Holloway: Neither did you.

The Hon. R.I. LUCAS: I voted against it. On 1 May 2001 the Deputy Premier stated:

> . . . I should say that irresponsible gamblers can be found in many families and in many communities, and I can tell members from personal experience that it has very little to do with the fact that there are poker machines in hotels. However, it has a lot to do with the fact that they are irresponsible and they are not capable of dealing with their own personal circumstance.

Whilst I am happy to agree with the Deputy Premier with the caps issue, I distance myself from the extreme remarks made by the current Deputy Premier. I repeat what he said:

> [Problem gambling] has little to do with poker machines. . . it has a lot to do with the fact that they are irresponsible and they are not capable of dealing with their own personal circumstance.
>
> A person can lose a bucket load of money by going to the racetrack, by going to the trots, by getting involved in a card-playing syndicate, from compulsive gambling at the lotteries, at the local newsagent, and from gaming machines. Please do not try to preach to me that problem gambling is the result of too many poker machines. I just do not accept that.

Again, in 2001, the current Deputy Premier said:

> I am passionate about the cap and about the fact that it is just bad politics, a bad and dumb policy, an ill thought through policy. Regrettably it will become law.

Also in 2001 he said:

> For consistency, those of us who have opposed the cap have felt a little lonely from time to time. . .

There are many other references from the current Deputy Premier. I will not place all of them on the record, but I just give an indication of the real views of the Deputy Premier in relation to caps or freezes. Whilst we are speaking about hypocrisy and an inability to stick to one's principles, let me turn to the contribution from the member for Elder, Mr Conlon, because here is a member who would be expert on what I have just indicated. Mr Conlon, the member for Elder, said:

> All I say in closing is that the notion of a cap is so ill-conceived and ill-designed to address the problems that those people say it is addressing, so knee-jerk and shortsighted, that I would like today to give it the proper name it should have: I would call it the dunce's cap.

Ho, ho, ho—that is not in the *Hansard*. The member for Elder was supporting the comments made by his colleague, the then member for Hart, the now Deputy Premier, Mr Foley, in pronouncing caps and freezes as dumb policy and indicating that, certainly, he would not be having a bar of supporting the provision. They are lofty words from two senior members of the current Rann government; two factional heavyweights, as they would see themselves; two leaders of the respective flavours and groupings within the Rann government caucus; and people who would believe themselves to be men of principle and prepared to stand up for what they believe in.

Indeed, the Deputy Premier said that members should stand by their conscience and not be beholden to the particular views of the Premier. What did those two courageous members do on an issue of conscience? It is not something on which they were bound to support the Rann government, because the Rann government says that, as we understand it, this issue is a conscience vote. What did these members do? They supported Premier Rann's propositions in relation to this and, as I understand it (and only time will tell), also the further continuation of a reduction in the level by some 3 000, which is the subject of the second piece of legislation that is to come before the chamber.

As I said in relation to the second bill, we will have to see how the members for Elder and Port Adelaide vote in relation to that issue. However, despite their lofty words their claim to be men of principle and conscience who are prepared to stand up for what they believe in and who would not be beholden to the Premier of the day, on this issue they have both rolled over and had their tummies tickled by the Premier; and, in the case of the Hon. Mr Conlon, that would not be a pretty sight at all. We understand that they will do the same thing when it comes to the second and more substantive bill, should we get to debate it in the parliament.

Where is this principle that the members for Elder and Port Adelaide, amongst others, often proclaimed in their debates through 2000 and 2001 and in subsequent periods in relation to this issue? Where is this issue about voting according to conscience? On a number of occasions the Hon. Mr Xenophon has called for conscience votes from the Labor Party in this area. The Premier says that there is to be a vote of conscience in particular on the substantive issue of the potential reduction of 3 000 machines in South Australia. On dozens of occasions we have had people indicate what their conscience tells them, but only time will tell. They will have to answer to the community and, hopefully, to someone in the media who might, at some stage, ask them how on earth they can justify their current positions given their statements on the public record in relation to these issues.

I turn now to the contribution from the current Leader of the Government, the Hon. Mr Holloway, when this issue was debated on previous occasions. I refer to the public record in *Hansard* of May 2001, which shows his passionate opposition to the notion of a cap. In his contribution the Hon. Mr Holloway said:

> There are some difficulties in relation to a cap, and they were debated at length not only at the end of the last session last year but on a number of other occasions in the past five or six years. There are a number of problems with caps, not the least being that they do confirm monopoly profits upon those who are already in the industry.

I agree with the Leader of the Government's former position, and I will return to that later. The Hon. Mr Holloway further stated:

> Whereas caps might prevent the number of poker machines increasing, certainly people already involved in the industry, particularly those from a very comfortable position within the industry in terms of the number of machines, are not at all unhappy about the imposition of a freeze.

He goes on later to say:

> I think that is one of the problems you create when you put a cap on poker machines. Once you start imposing a cap you have that difficulty. Some places will have poker machines and other places will not.

He further states:

> The problems I have mentioned in relation to a cap support my reasons for being personally not attracted to a freeze. I do not think it will do anything.

They are the words of the current Leader of the Government: 'I do not think it will do anything.' Further, he states:

As I said, I will be opposing the cap, which is consistent with what I have done in the past because I do not think it will achieve any worthwhile objective.

The Hon. J.F. Stefani: Who said that?

The Hon. R.I. LUCAS: That is the Leader of the Government. That is his view on a conscience issue in relation to a cap just a little over two years ago in this chamber. One can glean much more if one wants to go back through the records of contributions of current members of this government on the issue of gaming machines, and freezes and caps in particular. My view, as I said at the outset, has always been to be strongly opposed to the notion of caps and/or freezes. When this cap was first introduced in 2000 it was applied for a specified period. It was then extended for a specified period.

Here we are, almost four years later. On most occasions I have challenged the most outspoken opponent of gaming machines in this chamber, the Hon. Mr Xenophon, to produce evidence—at any stage of the debate—about the usefulness of the current freeze or cap in reducing the extent of problem gambling in South Australia. To be fair to the Hon. Mr Xenophon, he has not been able to produce any evidence to indicate that, having had a freeze for nearly four years in South Australia, it has reduced the extent of problem gambling.

Indeed, from the questions, and the extent of the questions from the honourable member, one would suspect that he might be putting the point of view that problem gambling is getting worse. Certainly, it is not being reduced. I will acknowledge that at least in the first stages of the freeze, while the freeze was there, there was an increase in the number of machines, but I am told that that has plateaued for some period.

In the advice provided last night, whereas originally at least 1 000 or so machines had been authorised to be installed but had not been installed, we were advised that about 40 machines which have been authorised to be installed in a development have not been installed. I think that is because the development has not actually proceeded. That is the Copper Cove development. All others, according to the advice provided in a briefing last night, have been installed. We are in a situation where it has plateaued for a period—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: No evidence has been produced—and the Hon. Mr Xenophon is interjecting at the moment—and it may be that during the committee stage I will again challenge him to produce evidence to demonstrate that the freeze that has been there for four years has actually reduced the extent of problem gambling in South Australia. If one talks to the people who know—and I am sure the Hon. Mr Xenophon does; I am not suggesting he does not—no-one will support the contention that there has been a reduction in the extent of problem gambling in 2004 compared with 2003, 2002, 2001 or 2000. Certainly, those who work within what they like to self-describe as the 'concerned sector' argue that we have increasing problems. They say to members of parliament that we have increasing problems, even though we have capped the number of machines.

As I said last time we spoke on this issue, this is one of those feel good things. The Hon. Mr Xenophon said, or someone said, 96 per cent or 90 per cent of people in a survey done by the Productivity Commission (or somebody) several years ago thought that this was a good idea. I do not dispute the fact that the majority of people—whether or not it is 90 percent—do think that it is a good idea. But, as I said to the Hon. Mr Xenophon, the majority of people support capital punishment and lower taxes. They support a whole range of things which, in the end as legislators, we have to make our own judgments about.

In relation to capital punishment and this feel good notion of a cap on poker machines or the reduction of poker machines, I do not agree with it. I am happy to be judged by that. I am happy to share a minority view in this parliament. It would be much easier to be swept along and say that one will support a reduction of poker machines or a freeze, knowing full well, as the Hon. Mr Xenophon knows, that it does not impact on the extent of problem gambling at all.

The Hon. NICK XENOPHON: I rise on a point of order, sir. I know the honourable leader has many skills, but I do not think mind-reading is one of them. He is saying that I know something.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): What is the point of order?

The Hon. NICK XENOPHON: Well, the point of order is that the honourable leader is saying—

The ACTING PRESIDENT: There is no point of order.

The Hon. R.I. LUCAS: If the member claims to be misrepresented, he has the opportunity at the appropriate time to make a personal explanation. As a lawyer, he should know the standing orders after six years in this parliament, and, certainly, he is not unintelligent in relation to these particular issues.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts says that I am misleading parliament again. I will defend the Hon. Mr Xenophon against those criticisms from the minister. Even though I disagree with him on gaming machines, I will defend his integrity. I do not resile from the views I have just indicated. As I said, they are no different. I have put these challenges to the Hon. Mr Xenophon before. He has never come to the table, in terms of this debate, and produced any evidence at all in relation to these issues. I challenge him again. During the committee stage, he should produce the evidence which indicates which people are telling him and this parliament that, as a result of the freeze on gaming machines in this state, problem gambling has reduced in South Australia.

We will come to the debate on the second bill—should this bill pass—when we are talking about the reduction of 3 000 gaming machines. It is the same principle. It is a cap, albeit the cap will be put at a lower level. The Hon. Mr Xenophon knows—and we all know—that Treasury advice, even on a reduction of 3 000 machines, is that this government will get the same amount of gaming machine revenue in the forward estimates as a result, if one just looks at this particular issue. When the budget papers come out tomorrow there will be a slight reduction, I am sure, because of the potential impact of smoking—and that is an issue that may reduce the extent of gaming machine revenue, and so on, within hotels and clubs in South Australia. Treasury advice to former treasurers and this Treasurer, and indeed any future treasurer, I assure members, will remain the same.

The next bill talks about a reduction of 3 000. It says that if we reduce them by 3 000 it will stay the same. I can tell you the advice in relation to the freeze. They were not suggesting to the former treasurer or the current Treasurer that gaming machine revenue will be frozen or reduced because the number of problem gamblers will reduce.

The Hon. J.F. Stefani: It went up!

The Hon. R.I. LUCAS: The honourable member is correct. It actually increased. As a former treasurer, I am

telling the Hon. Mr Xenophon that the advice from Treasury, when the freeze came in at whatever the level was going to be, say, 15 000 machines or so—and that was acknowledging there were still machines to be installed; forget the fact that it was going to take a while to get up to the freeze level of 15 000—in relation to gaming machines receipts, they would continue to increase. There was no view about its tailing off.

The Hon. J.F. Stefani interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Stefani says that it is like speeding fines. He is more of an expert in that area than I—from a policy issue; I am not suggesting from a personal viewpoint. I place that on the record. That is the Treasury view. It knows that just this issue of freezing the number of machines, or indeed reducing them by 3 000, will not make an impact in terms of the number of problem gamblers in South Australia. I have used the phrase before that, if you are a problem gambler, you will crawl over cut glass to get to an establishment that has poker machines. The fact that there are 15 000 machines or 12 000 machines frozen, or frozen at a lower level, will make no difference to the 1 per cent or 2 per cent of people who are problem gamblers.

The Hon. J.F. Stefani: Particularly if you give them the opportunity to top up.

The Hon. R.I. LUCAS: Well, the Hon. Mr Stefani is talking about issues that relate to the second bill—and that is exactly right. Sadly, for the 1 or 2 per cent of people who have a problem, they will find their way to a hotel or a club, or whatever, to lose their money. We supported the family gambling orders legislation. While I am a little sceptical, I supported that legislation because at least that is targeted and worth an attempt. I raised many years ago, and the Hon. Mr Xenophon in recent times has been raising, the issue of smart cards and those sorts of things. There is the capacity for technology potentially to have an impact. There are some issues where at least you can defend them—and seriously defend them—on the basis that they might have an impact on problem gambling.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Well, I first raised exploring the option of looking at them. How you police some of the practicalities of smart cards is an issue. If the Hon. Mr Xenophon goes back to the debates in 1998, 1999 or 2000 (whenever it was), he will see the first person to raise those issues was not, indeed, the Hon. Mr Xenophon in this chamber but me. That was based on advice from the Liquor and Gambling Commissioner who had done some early exploratory work, so I claim no credit for myself. I was just a mouthpiece for the advice that I was getting. Those issues are getting closer in terms of there being a solution.

In some of those areas, I would characterise some of those things as maybe genuine attempts to try to tackle problem gambling. That is targeted to the problem gamblers, the 1 or 2 per cent, but this issue of caps and then freezes and then reductions of 3 000 and all the problems are not. They make the Hon. Mr Xenophon and others in the community feel good. They make some members of the media and the community feel good and, in my view, some members of parliament lead those community representatives into believing that it may well have an impact as well, but I do not make too strong a point of that.

However, in the end, I make the point that no-one is producing evidence in South Australia that our four years experience of gaming machine freezes has done anything in relation to problem gamblers. The Hon. Mr Xenophon still claims this 1 per cent, 2 per cent, or whatever the number is that he quotes in relation to problem gamblers. He has not stood up in this chamber and said that, as a result of the wonderful impact of freezes in South Australia, you will be pleased to see that problem gamblers have now reduced from his quoted figure of 2.3 per cent of—

The Hon. Nick Xenophon: Twenty-two thousand.

The Hon. R.I. LUCAS: What percentage is that: 2.3 or something?

The Hon. Nick Xenophon: Two per cent.

The Hon. R.I. LUCAS: He does not say that the 2 per cent figure is now 1.9, 1.8, 1.5 or whatever, because it is impossible to do that. There is no evidence in relation to it and again the Treasury figures would indicate it. The other reason is one of the issues referred to by the Hon. Mr Holloway, the Leader of the Government, in his opposition to caps previously, that is, in essence, this notion of creating monopoly profits for the holders of licences. Those of us who have some knowledge of the taxi industry will know the history of the value of taxi-plate licences in South Australia. I am guessing the current value of a taxi cab licence at the moment—I have not asked a taxi driver in recent months—but it is somewhere between $150 000 to $200 000. They are a valuable commodity. As soon as a parliament legislates to restrict the number of licences or entitlements, we confer a value on the licence for the people who originally obtained the licence or the entitlement.

It is a gift from the legislators and the parliament of South Australia to all those who are fortunate enough to have had the licence and the entitlement—and good luck to them. Okay, the parliament did it and that is the way it has occurred, but it is a gift. We tax that gift pretty heavily these days as a result of changes but, nevertheless, it is an entitlement or a gift that is given to them. At the moment—and the Hon. Mr Stefani will know this with his business and commercial background—the value of that can be replicated or reflected by looking at the value of hotel freehold or leaseholds when they transfer those with successful gaming operations with 40 machines and those that do not. Without putting numbers on the table, many millions of dollars in value have accrued to the lucky recipients of the monopoly that we give to the holders of those licences and entitlements.

And so, for the past 10 years and for the period that these current arrangements continue, as they sell out or transfer, they will accrue the capital gains and benefits of the entitlement that we have given to them. Whilst at the time I think the AHA's formal policy was to oppose the freeze, I think it was not trenchant and that some within the AHA were not uncomfortable, if I can put it that way, with the notion that a monopoly had been bestowed on the current holders of licences and entitlements. Under the new arrangements (without going into that detail, because that is another bill), the value will also be reflected in the value of the machines as they transfer. We are being told that in New South Wales the value of each machine is about $180 000. We are being told that the value of a machine in South Australia—and with the transferability arrangements at which we will be asked to look with a new cap at a lower level and therefore the need for tradeability—might be between $10 000 and $100 000, obviously depending on the operation of market.

For those clubs and hotels wanting to sell their machines, good luck to them if that is to be the arrangement. For those who have to purchase, indeed it will be an expensive purchase. That is one of the problems of going down the path of a cap or a freeze; that is, as we did with taxi-cab licences

and a number of other areas, we give a monopoly value to those who are currently fortunate enough to have a licence or an entitlement to gaming machines. With that, I indicate that again I am strongly opposed to the notion of caps. There is a provision in this bill in relation to the Roosters Club.

I have to say that, as are some other members, I am not entirely happy with the notion that this is with us again. I think a number of people last time said that they would never vote for another extension and warned North Adelaide not to come back. Indeed, I think the minister for the Rann government issued a stern warning along those lines. As I said, whilst I am not enormously attracted to it, I will not stand in the way of that provision going through, as I understand there is strong support for that provision in both the House of Assembly and the Legislative Council.

The Hon. J.F. STEFANI: My contribution will be short and hopefully to the point. I have listened with some interest to the contribution made by the Leader of the Opposition, Hon. Rob Lucas, and I do concur in some of the proposals and the suggestions that he has made in relation to a number of issues on which he has very capably expanded and put on record today. What we are doing is creating inflated values for a number of licence holders. What we are also doing is creating the need for people who hold gaming licences and who transfer them in a commercial transaction to drive up the additional paid capital for an asset to recover a percentage of the price paid for that asset. The simple way to explain that is as follows. If someone were to invest $1 million, generally speaking, a net return after tax of 10 per cent would be a reasonable business proposal. If someone is paying $10 million for an asset as a result of the freeze or the new proposal to reduce the numbers to 12 000, the tradeability of such machines in the hotels and clubs where those machines are installed obviously will be greater.

The entity that invests in buying an asset of a greater value will expect a greater return, that is, in relation to the capital value expended to buy that asset. We will automatically have the drive for people who invest in such ventures to recover a greater return. I will put it very bluntly to anyone who would like to argue with me, that the operator of the business will do absolutely everything to drive up that dollar, because that operator has outlaid that money. If the Hon. Nick Xenophon wants to argue with me on that, I am prepared to have an argument about a fundamental business issue—

The Hon. Nick Xenophon: A civil discussion.

The Hon. J.F. STEFANI: Or a civil discussion, as you wish. No-one can control that, and certainly parliament cannot control how business operators recover a profit on the capital outlaid on their businesses, because we really would be seen to be elitist. It is just a simple matter that comes to my mind as I speak about the reality of the real world when we talk about freezes and creating false values, inflated values or monopolies.

I also have a fundamental problem with extending a freeze to the Roosters Club, and at this point I express my great disappointment because the government has chosen to create false impressions and false hopes for the Renaissance Tower licence holders who were promised a lot and have been given absolutely nothing. They have been hung out to dry for almost 12 months since that great promise and the debate in this place which gave them the right to be recognised at the time the Roosters Club bill was introduced. That bill was rushed through by the government in the hope of securing votes in the marginal seat of Adelaide and securing the favours of a club, rather than recognising fair value for a family which had invested in a business and a licence for over 20 years.

This is occurring again as a result of the total neglect in recognising that the Renaissance Tower licence holders exist, and I find that very difficult to come to terms with. The minister in another place was able to ignore the attempts of the Liberal opposition the second time around to give that family the rights that they have at law to be recognised as appropriate legal licence holders—which is quite opposite to the Roosters Club, which was told by the Supreme Court that it was operating illegally and needed to cease operating. The government was prepared to protect the illegal operation of a club yet was quite happy to ignore a family, which had been legally operating and still legally holds the licence, and put them to great expense and financial loss. I find that concept totally unacceptable.

I find it even more unacceptable because, this afternoon, I have been able to ascertain that the Roosters Club has signed a contract to buy the Northern Tavern. We have a government that is prepared to give a club a free kick of 40 poker machines and extend its holding of a licence until December this year to give it the opportunity to do whatever it wants to do, and we have denied an opportunity to a family which presently is paying rent to store its poker machines in a warehouse and therefore not earning anything. That family has had to go to the Licensing Court on three occasions to seek the indulgence of the court to extend its liquor licence because it is not able to operate, and this government has the audacity to hold itself up as the saviour of a club, or any other principles of a community, and put this chamber and the parliament under the pump to get this legislation through before a deadline because it has some vested political interest.

I think it is absolutely disgraceful behaviour by this government, which has lost every principle and every kind of decency, and I feel ashamed that this government has the gall to push through this legislation for a freeze. We probably all believe the freeze should remain, for whatever reason, yet we are forced to deal with it because the government again has piggy-backed another piece of legislation to favour a club in a marginal seat where votes are important; and we are giving it, in addition, a free kick because that club has acquired a licence with poker machines and it will have 40 poker machines to dispose of or put somewhere else. What sort of principles do we expose when we consider legislation that allows that sort of process? I am absolutely fuming about this issue, because I feel that the government has lost its way and we are being forced, as I said earlier, to deal with legislation on the basis of, literally, blackmail.

So, I will ask the minister during the committee stage to explain why such an attitude has been taken by the government, and I want to know why it wants to create differences in our society whereby we deprive a family of its rights because this parliament in the first instance failed to recognise its mistake—and that is what it was. The licence was issued in terms of the law existing at the time and, when we changed the legislation, we forgot that they existed. We were not able to come to terms with our mistake as members of parliament (particularly members of the Labor government), so we have denied these people their rights and we have walked all over them. We have deprived them financially. We have put them in a position of disadvantage and loss on the one hand; yet, on the other hand, we were quite happy to push the issue and, even though the Supreme Court ruled that it

was operating illegally, we have allowed the club to continue operating illegally.

What is more, the government has proposed, today and during the past week, giving the club a further opportunity not only to continue trading illegally until December but, because it has acquired another asset with poker machines, to have another free kick. I find that totally unacceptable, and it is a disgrace that the government is not able to find out simple information, as I have this afternoon. We, as members of parliament, owe the people of South Australia some proper and fair treatment. With those few remarks, I indicate that I will ask some very pointed questions, and I will expect some answers.

The Hon. CAROLINE SCHAEFER: I have listened with some interest to the words of the Hon. Julian Stefani and, indeed, the Hon. Rob Lucas. I find it both bemusing and sad that I will not have the opportunity to listen to members of the government on this issue, since only one side of the parliament (as, sadly, so often happens now) has a conscience vote on this matter. It has always been a principle of the parliament that matters such as this are, indeed, subject to a conscience vote, and some of the most interesting debates I have heard in my 10 years in this place have been when members on all sides have been able to speak according to their conscience. Sadly, members of this government are gagged from speaking according to their individual conscience; one wonders whether they are still allowed to have an individual conscience.

Unlike the Premier and the Treasurer, my position on gaming machines in this state has been consistent. I have always said that, had I been here when the vote was taken to introduce them into this state, I would have opposed them on the grounds that we had sufficient methods of legalised gambling at that time. However, since they are legal and as I have always believed that they are a legitimate form of entertainment and/or gambling, I have not opposed them on successive attempts, going back to about 1998, from what I can find in my speeches, to regulate them even more severely than they are at the moment. I am reminded of the great pride of the Hon. George Weatherill who liked to point out to us all that South Australia is one of the few places that actually has a cap on gaming machines, that cap being a maximum of 40 machines per venue. The Hon. George Weatherill was proud of the fact that he introduced that amendment to the legislation at the time. Indeed, if one compares the number of gaming machines in this state with those in other states, it appears to me that the 40 machine rule has worked pretty well.

I think my main contribution will be more appropriate when the next bill is presented. This is a small bill which seeks to extend the freeze and the latitude given to the North Adelaide Football Club. At the introduction of this freeze in May 2001—that is when the second reading contributions were made; I am not sure when the bill went into committee—I said that I would support the second reading explanation on the grounds that this bill was a compromise reached in good faith by a number of key players, including those who were against the legalisation of gaming machines and those who were in favour of continuing the status quo.

At that time, I said—as did the Hon. Julian Stefani—that I believed market forces should take care of the number of gaming machines within this state. To place a cap on them I believe puts an undue and unreal value on them. All it does is create a strata of those who have and those who have not. If we do not have a freeze, I would hazard a guess that we would have very few more gaming machines than we have in this state now, but the difference would be that they would be tradeable at market value, not at a grossly inflated value. In May 2001, I said:

> I am increasingly getting reports of clubs and smaller hotels finding that the novelty of poker machines has worn off and they are now losing money on their poker machines. They would very much like to trade their licences but, on the other hand, there may be new hotels or enterprises starting up where it is appropriate for there to be poker machines. If there is to be a cap on poker machines, those people will not have the opportunity [to install them].

I went on to say:

> Poker machines are legal in this state so how do we get over the commercial reality? Do we licence them in the same way as taxis? What do we do from now on? I believe that there are a number of other unaddressed questions at this time. . . A comment was made to me the other day—

this was three years ago—

> by a person who owns quite a large hotel in Adelaide. That person said, 'We absolutely love Nick Xenophon because, had he not panicked those in our industry into applying for 40 licences each, most of us would have only 10 or 15 at this stage. As it is we have the maximum number and we have a buffer against any freeze you choose to bring in.' So, by attempting to do the right thing by banning poker machines, we actually proliferate them.

My views have not changed in this three-year period. At the time I said I would reluctantly support a temporary freeze. The period for that freeze has passed, and it has proved absolutely nothing. We will talk about the reduction in the numbers of machines later. The extension of the freeze simply means to me that this government has not got its act together; it has not prepared the next set of legislation. It does not have the details in spite of the fact that Premier Rann (with great gusto and great headline grabbing) announced that he was going to reduce the number of machines in this state by 3 000. We still have no details. He is still ducking and weaving around the hotels association and others. We have had this freeze for three years. No-one has done anything. I see absolutely no point in continuing to support it.

The Hon. D.W. RIDGWAY: I rise to speak reluctantly in favour of supporting the freeze at this stage. It is almost 12 months since we dealt with this freeze, and this government is still procrastinating. It has not been able to come to a position where it can advance the situation so that we can then deal with the main problems associated with problem gambling and gaming machines. It is a reflection of this government's inability to make any real decisions, to lead and to govern as governments are supposed to do. I am surprised also that some months ago the Premier said in relation to the IGA report and the legislation, which I think we will debate later in the year, that he would personally speak to every member of parliament about his position. I suppose that is why we are dealing with this proposal to extend the freeze today, because he has not had the time to come and speak to me personally, as he said he would. He did write me a letter, but it had a computer-generated signature—he did not even have the time to take the couple of seconds that it takes to sign a letter personally.

Until this government can stand by some of its problems, this state will remain in the doldrums. I am getting sidetracked from the issue. As I said, I will reluctantly support the freeze until 15 December 2004, at which time I hope this government will have the courage to bring on the legislation and address some of the main problems associated with problem gambling.

The Hon. J.S.L. DAWKINS: I will be mercifully brief, I hope. I have listened to a number of the contributions on this bill. I understand that some members have maintained their position throughout, but I must confess that I changed my position back in 2000 or 2001. Initially, I voted consistently against caps and freezes until I received some considered requests from a group of churches and other concerned community groups. A working party was formed—I cannot recall the exact name—consisting of the Heads of Churches Committee, clubs, the AHA and other community organisations to work out what was then the future of this industry in South Australia.

I have continued to support the current situation with some unease, I must say, because I do not believe that it has had any effect on reducing the number of problem gamblers. However, like my colleague the Hon. Mr Ridgway, I am concerned that we are back here again seeking to extend things—particularly in relation to the Roosters football club—that we were told would never be extended again. I really do hope that we can make some progress in that regard. Having expressed that level of unease, I will support the legislation.

The Hon. R.D. LAWSON: I, too, indicate that I will support the continuance of the freeze. I do so on this occasion with more reluctance than I have in the past. I initially supported the freeze when it was proposed in 1999 in a bill moved by the Hon. Nick Xenophon. At that time I had no illusions that the freeze would solve all of the problems that gaming machines have brought to our community. I was mindful at that time that a report of the Social Development Committee had unanimously recommended that a freeze be introduced. I was mindful of the fact that the imposition of a freeze would probably enhance the value of the assets of those who, at that stage, held licences and that the effect of the freeze would be to enrich them and probably would not provide much, if any, benefit to problem gamblers.

I was also mindful of the fact that the gaming machine industry in the state had contributed significantly to employment and economic activity. I was also mindful of the fact that many in the gaming machine industry had contributed significantly to sporting clubs, community clubs and other beneficial community organisations. I was mindful of the fact that a freeze would potentially reduce the revenue to the state from gaming machines. However, what most influenced me at the time was a belief that the alternative argument—namely, that we should simply go on issuing licences, further licences and more machines with no possible limit on machines and that the market would in some way limit machines—did not convince me.

Accordingly, I was one of those who supported the Hon. Nick Xenophon's original proposal. I think I was the only member of my party at that stage to do so. Subsequently, in 2001, I supported the freeze that was then proposed by premier John Olsen and supported by many members of his government. It is not necessary to repeat the factors which influenced that decision. I must say, however, that in the future I may be reluctant to support a continued freeze. The purpose of the freeze that I supported initially was for a pause to enable us to stop, look and see precisely how the industry was going and to see what harm, if any, it was causing and also to find methods of minimising to the extent possible any harm to our community.

We now see in the report of the Independent Gaming Authority a suggestion for a reduction in the number of machines which, on the proposal that I have seen, I am entirely unconvinced is an appropriate solution to anything. I believe it is incumbent upon the Independent Gaming Authority and, indeed, the government to come up with a solution to identify problems. It has not done that. However, I am prepared to allow that issue to be debated fully in the parliament. Until such time as we dispose of that issue, I believe the freeze should continue, but I do not want it to be understood that, by supporting a freeze on this occasion, it indicates that I will support it into the future. It is certainly not an indication that I will be in any way supportive of a reduction if the reduction is based upon the principles that have so far been proposed. Therefore I support a brief further extension of the freeze.

The Hon. J.M.A. LENSINK: I understand that the purpose of this short bill is to extend the time period of the cap. I have to say that on this issue of poker machines I am not a particular fan of them, but that is a very personal view, and I take a pragmatic perspective and try not to be a nanny (for want of a better word) on this issue. As a Liberal, I believe that people should be able to make their own choices in life, and governments and parliaments should not be directing them if what they do is legitimate and does not harm others.

The Hon. A.J. Redford interjecting:

The Hon. J.M.A. LENSINK: Well, smoking is a very harmful activity. The Hon. Angus Redford and I probably take quite different views on smoking issues.

The Hon. A.J. Redford: It is my choice.

The Hon. J.M.A. LENSINK: Yes, it is your choice. All of those matters aside, there is an issue with problem gambling which is of some concern to me. At the time that pokies were approved in this state, I remember being disappointed about that, but I understand that we cannot wind back the clock—they are an established part of our industry in hotels and clubs. I have yet to make up my mind on the issue of the proposed reduction and remain to be convinced that the government's model will have any effect at all on problem gambling. So, I will be very interested in the arguments that are presented on that. In relation to the Premier's claim that he was going to be lobbying us all very hard, as a new member I am not sure whether I was neglected for any reason other than an oversight—

The Hon. Caroline Schaefer interjecting:

The Hon. J.M.A. LENSINK: I had to ask for my letter, because it was—

The Hon. A.J. Redford interjecting:

The Hon. J.M.A. LENSINK: Well, I had to ask for it.

The Hon. J.S.L. Dawkins interjecting:

The Hon. J.M.A. LENSINK: You got Bernice's mail; well, there was not even a letter for Di. After nearly 12 months it is great to see that the Premier's office is so in touch with who is here and is so concerned about lobbying us all that it did not bother to write me a letter in the first instance. I also understand a number of the market arguments that the Hon. Robert Lawson referred to. In these issues where we are dealing with matters of conscience, particularly where people get quite emotional about them and have very strong views, I think that reports and statistics can often be built to construct an argument to suit the person who is making the argument and, as a natural sceptic, I appreciate that the extension of this freeze will give me time to read reports in detail and examine the figures and methodologies for myself and to speak to stakeholders because, as a new

member, this is my first look at this. I indicate that I will be supporting this freeze.

The Hon. A.J. REDFORD: The general freeze on the number of poker machines first commenced in late 2000 when I indicated that I would support it. The former government established a committee of which I was a member and which was chaired by the Hon. Graham Ingerson. In May 2001, following the committee's recommendations, legislation for the establishment of the Independent Gambling Authority was passed. The freeze was also extended in May 2001 for a period of 12 months to enable the Independent Gambling Authority to report on whether or not a freeze was justified. That freeze expired in May 2002. In May 2002 the freeze was extended for a period of 12 months to May 2003. Not a lot happened in that 12 month period apart from an election and a change of government.

In May 2003, the freeze was extended to May 2004. So, we have had 4½ years with a freeze in this state. The Independent Gambling Authority has had since May 2001 to present this parliament with a report justifying the freeze. To be fair, it was only in June 2002 that the IGA was given a written direction regarding the commencement of the inquiry, although, as I said some 12 months ago, I am not sure that it really needed a written direction about this task of examining the freeze. But, as a South Australian lawyer, perhaps I expect too much from Victorian lawyers who seem to be quite dominant in the management and conduct of activities in the process of justifying a freeze. Indeed, Mr President, last year I know that you were quietly stunned at the fact that, according to some, apparently the delay in the IGA doing its work was all the previous government's fault.

In any event, by May 2003 the IGA was not ready, so the parliament decided to give this Victorian dominated organisation another 12 months. So, we provided another extension, and here we are again 12 months later arguing about another extension of the freeze. I have to say that this brings new meaning to the term 'groundhog day', but here we go.

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: The Hon. Carmel Zollo interjects. I look forward to her impassioned contribution to this debate.

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: Normally, I do not, and I probably did not miss much. In any event, when one looks at this report (tabled in late December last year) we see that it was 18 months in the making—

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: Mr President, I would ask the honourable member to withdraw that interjection.

The PRESIDENT: I did not hear the interjection.

The Hon. A.J. REDFORD: The member called me a misogynist. I would ask her to withdraw it on the basis that it is unparliamentary.

The PRESIDENT: It is, indeed, and injurious remark. Probably, the easiest way to deal with it is for whoever made the comment to withdraw it.

The Hon. A.J. REDFORD: The Hon. Carmel Zollo said it.

The PRESIDENT: He feels injured. I am asking the honourable member whether or not she would like to withdraw the remark.

The Hon. CARMEL ZOLLO: I do not really, but I will.

The PRESIDENT: Thank you for that heartfelt withdrawal.

The Hon. A.J. REDFORD: Thank you, Mr President. I am grateful to the Hon. Carmel Zollo for that clear acknowledgment.

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: Well, if you had a bit of wit you would probably get away with some of these things; but you haven't. First, we had a public hearing on 22 August 2002. It obviously took the IGA some two months to establish that public hearing. I must say, Mr President, that people like you and I would be somewhat surprised at that. I know that you could probably organise a sub-branch meeting, or, indeed, a minor conference in the space of a few days on an issue as important as this. I am sure that I could organise a branch meeting much quicker than that. Be that as it may, we had a public meeting on 22 August. Obviously, a lot of evidence was given at that public hearing.

The IGA then had another public hearing on 14 November 2002. Obviously, tired from the enormous amount of work that it put into this, a discussion paper was issued some four months later on 7 March 2003. Then, we had a flurry of activity on 17 and 18 June 2003 when we had two days of public hearings. I know that the Hon. Nick Xenophon was involved in at least one of those public hearings. Finally, in December 2003 we received a report which was some 18 months in the making.

When we put the legislation before the parliament initiating this freeze some 4½ years ago, it was the view that the onus was on the proponents of the freeze to justify its existence. I read the entire Independent Gambling Authority report, and I must say that I am less than overwhelmed by the arguments, but I will not go into that because we will have other opportunities to do so. The report states:

> Taking all this into account, the Authority has concluded that there is a causal relationship between the accessibility of gaming machines and problem gambling and other consequential harm in the community. The Authority is satisfied that both the total number of gaming machines and the number of places where gaming machines are available should be reduced.

I will argue one way or the other on this particular proposition on another occasion. It then goes on to make a series of recommendations. I must say that the use of the term 'intellectual dishonesty' in terms of this report comes crashing into my mind when one looks at the total package of recommendations made by this Victorian barrister as head of this organisation. He states the following:

> This report recommends, as a first measure, that 3 000 gaming machines be removed from the system and that there be a cap on the number of gaming machines in South Australia, fixed initially at 12 000 (down from the present 15 000).

That, by itself, may well be a recommendation that seems consistent with the IGA's finding that the prevalence of gaming machines has some relevance to the issue of problem gambling. But, then it goes on and states the following at point 2:

> There is a special need to address the disproportionate number of gaming machines in venues which are to be found in our provincial cities.

I understand that that incorporates Mount Gambier (with which I am familiar) and, obviously, Port Pirie (with which you are familiar, Mr President). The report continues:

> The submission of the Provincial Cities Association has persuaded the Authority of a very real need in this area.

Without going into the whys and wherefores of it, the interesting thing about what this Victorian barrister has done

in this report is to not make one single recommendation about provincial cities.

The Hon. R.D. Lawson interjecting:

The Hon. A.J. REDFORD: No. In the report he acknowledges that there is a special need to address the disproportionate number of gaming machines, and yet he remains utterly, totally and completely silent about what should or should not happen in relation to access to gaming machines in provincial cities. I understand that this Victorian barrister was awarded Senior Counsel or Queen's Counsel (I have never been a fan of those titles), but I have seen articled clerks and first-year lawyers who would understand the illogicality of that proposition. He then goes on in his recommendation to say the following:

> The present number of machines will be reduced to this cap by reducing, for every premises with more than 28 gaming machines, the number of machines by 8. (Venues licensed for 21 to 27 machines will be reduced to 20.)

Nowhere in this report is there any sort of analysis as to whether or not a formula of that nature would reduce access to machines by problem gamblers or potential problem gamblers. In his next point, he states:

> A venue's gaming licence would be renewed every five years and be dependent upon the licensee having complied with all responsible gambling and harm minimisation conditions.

I am not sure that anyone would take issue with that as a general proposition. Finally, in one of the most stunning failures of logic that I have ever seen, in his recommendations this Victorian barrister states:

> Gaming machine entitlements would be tradeable in a controlled and supervised way.

Now, when I was reading the report earlier this year and got to that bit—probably in the same fashion as the Hon. Nick Xenophon might have when he got to that bit of the report—I had to pick myself up off the floor, because I fell out of my chair. How on earth is tradeability going to reduce access to gaming machines? I will go into that in a little more detail in a minute.

It seems to me that this report that this parliament has waited some 2½ years for, and spent God knows how much money on, is just littered with inconsistencies and a lack of logic. Quite frankly, this Victorian barrister needs to be sent back to Victoria, and someone with some decent intellect ought to be employed to undertake the task. This barrister has completely undermined any confidence that we, as members of parliament, ought to place in this report with those simple, illogical and inconsistent recommendations. He then goes on and states:

> A structured review in two years' time will reveal whether the right mix of regulatory incentives has been chosen and where the potential for the industry to address this problem in cooperation with the concerned sector has been realised.

They always ought to be reviewed, but that does not obviate his responsibility to have presented us with a report that has some internal consistency.

In April this year I wrote to you, Mr President, and every other member of this chamber in relation to some of the concerns, and the Hon. Caroline Schaefer covered this issue in some detail. The Premier has seen this as an opportunity to see whether he can climb further up the personal popularity rating. Mr President, I wrote to you in these terms:

> I am writing to you because I am extremely concerned at the direction that the Premier appears to be taking us in relation to the forthcoming legislation regarding poker machine numbers arising from the Independent Gambling Authority's (IGA) report released late last year.
>
> Members in a previous parliament might recall that the establishment of an IGA was first mooted by the Hon. Michael Elliott MLC, and was recommended by the Poker Machine Steering Committee chaired by the Hon. Graham Ingerson MP in early 2001. The IGA's functions are set out in the Independent Gambling Authority Act 1995 and include the development of strategies to reduce the incidence of problem gambling and to undertake research in that respect.
>
> On 17 February 2004, the Premier, in announcing his support of the IGA recommendations that the number of poker machines be reduced by 20 per cent and that tradeability of machines be introduced, promised to personally visit every member of parliament—Labor, Liberal, Democrat and Independent. At the time of writing, no attempt has been made by the Premier to contact me to discuss this issue. The IGA report in my view does not appear to address two specific submissions. Firstly, the Liquor and Gambling Commissioner's submission asserts that tradeability will increase problem gambling and, secondly, the Assistant Under Treasurer's assertion that there is 'no causal link between machine numbers and problem gambling'.
>
> The Premier has also not addressed the South Australian Centre for Economic Studies report of April 2004 which recommends that transferability 'should not be entertained in any case. . . '.
>
> The net effect of the Premier's announcement is, in my view, a 'pea and thimble' trick. On the one hand, he gets to announce that he is responsible for a reduction of gaming machines. On the other, gaming turnover is likely to remain unchanged because only non-performing machines will be lost to the industry and the government tax take is likely to increase because machines will be transferred to venues which pay tax at a higher rate.
>
> Lost in all this political rhetoric will be the issue that we should all be addressing—how to minimise harm and reduce the incidence of problem gambling! I would hope that we all would focus on this issue rather than embarking on a merry-go-round of headline grabbing short-sightedness, only to leave us having to deal yet again with this important issue in the near future.
>
> I am concerned that the creation of a property right in machines will prevent future initiatives and policy options particularly some of those referred to in the report.
>
> It is clear that little work has been done by the IGA on the development of a smart card which most experts say would have a real and tangible effect on problem gambling with minimal disruption to employment etc. In that respect, I would urge you to read the enclosed pages 4 and 5 from the Centre for Economic Studies Overview.
>
> I hope that we can all keep focused on achieving an actual outcome (as opposed to a headline) in the forthcoming debate. So far, all we have achieved in relation to our many attempts to address problem gambling in the past is the securing of a headline or headlines with little or other tangible outcomes.
>
> It is time that we reversed this trend and achieved a better policy outcome.

It was only after the day I sent that letter that I have received any correspondence from the government in relation to this issue. The first of those was from the Hon. Paul Holloway in a letter that only Sir Humphrey, aided and abetted by someone like the Hon. Paul Holloway, could do. His letter states:

> Thank you for your letter regarding poker machine numbers. As you are aware, the Minister for Gambling is responsible for any legislation regarding a freeze on poker machines. I will forward your correspondence to the Minister for Gambling for his response and I appreciate being informed of your views on this matter.

I think that the only trouble that the Leader of the Government in this place took was to press the right button on a word-processing machine. Anyway, we sit and wait and hope—perhaps forlornly—for what might be some reasoned view on this, particularly when one recalls the impassioned speech and the enormous attack he put on me personally when I first indicated that I was prepared to support a freeze, albeit a temporary one, on the numbers of gaming machines. Then, of course, I get a letter from the Premier dated 7 May. Someone tells me he touched it and, as a consequence, given

his previous performance, I suppose I have to accept that as his version of a personal visit. Anyway, he is a busy man and obviously—

An honourable member interjecting:

The Hon. A.J. REDFORD: Yes, he has things to do, headlines to grab and positions to take; and, in the meantime, I understand—

The PRESIDENT: And you are a busy man.

The Hon. A.J. REDFORD: And I am a busy man; and I understand that, at the moment, he is fairly confident because he has got his headline. I am sure that the Hon. Nick Xenophon can see an artist at work when it comes to grabbing headlines. One would have to acknowledge that that performance deserves a 10 out of 10. I know that the Hon. Nick Xenophon might have done it slightly differently, but we can all see a fellow artist at work when it comes to grabbing a headline. Is there anything mentioned about—

The PRESIDENT: You are not claiming injurious remarks, are you, Mr Xenophon?

The Hon. A.J. REDFORD: No, no; we are in the mutual position of being able to judge a headline grabber. We acknowledge that this is an excellent performance. However, we have not seen anything from the Premier of any significance that might appropriately be described as dealing with the issue of problem gambling. In those terms, there are two areas when it comes to problem gambling. First, there are current problem gamblers and the programs and procedures for ameliorating the effects and consequences of their affliction on those peoples' lives. The Hon. Andrew Evans and the Hon. Nick Xenophon have spoken on those issues quite ably and have made some good points. What we have not had a lot of from this Premier, or indeed this government, is how to prevent future problem gambling. I think I know why. If you look at this government's records, I do not think it cares. In fact, I will lay London to a brick that when we look at the forward estimates—

The Hon. Nick Xenophon: You are not betting!

The Hon. A.J. REDFORD: Yes, I do bet; I am not as puritanical as the Hon. Nick Xenophon. I will lay London to a brick that, when we look at the forward estimates in tomorrow's budget and at what income the government is budgeting on getting, we will not see all that much difference. The reason why we will not see all that much difference is that the Premier has come up with something to make everyone happy: he gets the headline and the Treasurer gets the money. The money will come from somewhere. If you accept that 50 per cent of the money comes from problem gamblers, then we will still get 50 per cent from problem gamblers. Under the proposal set out by the IGA, we will have a poker machine that perhaps is not being fully or efficiently utilised being transferred to a place where it will be fully utilised, probably in some cases by problem gamblers. That is what we will have. None of what the Premier has said will address that.

The second thing we will have is these poker machines being shifted to venues which have high turnovers—because they are the efficient venues. What the Premier has not said is that that is good for the government, because it taxes those machines at a higher rate. Indeed, we have not seen any response in any release from the Premier and/or the IGA about the unique position of the clubs, addressed so ably by the Hon. Terry Stephens. Therefore, we will have a potential for fewer machines but more revenue.

The Hon. Nick Xenophon has made a lot of statements about poker machines being just a revenue raiser, but even he would be stunned by the audacity of a move to get a headline and make yourself look as though you are reducing poker machines and, at the same time, potentially increase the revenue you might make out of these poker machines. Indeed, in order to ensure that you do not interfere unduly with the revenue you might get, you deal with the existing problem gamblers. After all, they have already lost their dough, their houses and the shirts off their backs. You make absolutely sure that you do nothing about potential problem gamblers. After all, from where will you get future revenue? How will you keep the Hon. Kevin Foley happy with his revenue collections if you do not have a new army or set of problem gamblers coming into the scene? Members should not think that I am being unduly cynical, but that is why this government, and the Premier's response, does little or nothing to address the issue about what we might do with potential problem gamblers.

I know that when I had the honour of serving on that committee with others, including the concerned sector—as the IGA euphemistically and patronisingly refers to the welfare sector—we were very interested in the development of the options in relation to smart cards. My understanding is that the technology is there. Indeed, the technology used by hotels and hotel groups in relation to their loyalty schemes is just the technology that would be used with a smart card. It is not beyond the wit of us as a community to develop a cashless system for poker machines, where at the beginning of a month a person can limit the maximum amount that that person might lose on a poker machine. Even chronic problem gamblers do not want to lose more than a certain amount of money. That would fix a lot of the problems.

The only loser with a scheme such as that would be general revenue and Treasury, and I suspect that is why this government has not done any work along those lines. What amazes me is that, having flagged some of those issues previously, the IGA has not done anything about it at all. In that respect, I am extremely grateful to the South Australian Centre for Economic Studies, which produced a very reasoned document in April 2004, signed by Michael O'Neil. I do not necessarily agree with everything Michael O'Neil says, but at least he is internally consistent and at least he goes to some trouble to address some of the problems that have been identified in the IGA report, particularly in relation to provincial cities. Indeed, in referring to the potential impact on gambling, he said:

> Equally likely could be the mandatory use of a card (smart card) to access what is after all a restricted gaming area, a card to play EGMs, that provided greater consumer protections through time and credit limits, that controlled entry of minors and self-excluded patrons and contributed to harm minimisation. The use of a card system would most likely solve many of the problems arising from the introduction of EGMs.

That is the way of the future. That is how we will prevent problem gambling. Access to the machines, whether we have 15 000, 12 000 or 10 000—I suspect even if we got it down to 6 000—will not make all that much difference to problem gambling. It might make a difference if we abolished poker machines altogether, but the smart card is the way to go. If we are serious about dealing with problem gambling, that is what we should be looking at. That is what is likely to push the alleged 40 per cent of people who use gaming machines and who are problem gamblers into a position where they are not impacting upon family members and the community.

The justification for the freeze in this report is not there. There is nothing in this report which indicates that the four-

year experiment of a cap on poker machines has made one jot of difference to problem gambling. I know we will not divide on this, and I know we will not vote on it, because there has been a strong indication of support to extend it to December but, if we were asked vote on it, I would probably vote against it. It is my view that that might at least focus policy makers' attention on something that will make a difference to problem gambling, on something that will have an impact on problem gambling. With that contribution, I hope that, when we come back later this year to deal with the government's bill, we might be able to come up with some measures that do address problem gambling. I am not talking just about giving lumps of money to welfare groups and running around to counsel current problem gamblers but, rather, dealing with the potential problem gambler of tomorrow. That is my earnest wish.

The way the government, particularly the Premier, has managed this so far does not give me any cause for comfort or any indication that this will not be an annual event, that is, the discussion about poker machines and problem gamblers, simply because this Premier is now missing a golden opportunity. He is missing a golden opportunity because he sees the opportunity for a front page headline being more important than actually getting down and properly dealing with some of these difficult issues.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank all members for their contributions. I note that all members are looking forward to the committee stage of the bill, so I will not hold them up. This bill has been around a long time; everyone is aware of the issues. A few questions were put to the Hon. Mr Xenophon, and I suspect that he will answer them in his own way at the committee stage. Without any further ado, we will move into committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. NICK XENOPHON: The Hon. Mr Lucas in his contribution issued a challenge about the effect that the current freeze has had in relation to levels of problem gambling, and perhaps I can answer his concerns. I should point out that the Hon. Mr Lucas has very many good qualities, but I do not think that one of them is being a psychic, even though he purported to tell me what I was thinking. If the Hon. Mr Lucas is a psychic, presumably he would know the numbers for X-lotto this Saturday—and I do not want to know them.

In relation to the issue of the impact of a pokies freeze, we know from the Productivity Commission and, indeed, considerable other research both here and overseas, that there is a link between accessibility, numbers of machines, numbers of venues and levels of problem gambling. To say that a freeze will reduce levels of problem gambling is a very bald assertion and I am not suggesting that, but what I am suggesting is that by at least having a freeze and attempting to rein in a further proliferation of machines and venues—and we know that the former premier (Hon. Mr Olsen) talked about his concern about the wide proliferation of poker machines, particularly in hotels—then at least that prevents a further increase in the levels of problem gambling.

The Hon. Mr Redford in his contribution made a number of very good points in respect of a number of other measures, as indeed did the Leader of the Opposition in respect of smartcard technology and other measures that are targeted to assist problem gamblers. I see this measure as part of a package to deal with those issues, and I see this extension of freeze legislation as an opportunity not only to consider the government's reduction in numbers bill that has been tabled but also to consider a number of other measures such as removing ATMs from venues (given the Productivity Commission's findings), smoking in pokies venues—and the Leader of the Opposition has referred to forecasts in that regard—smartcards and intervention measures which, as a whole, I believe will begin to appreciably make a difference in relation to the levels of problem gambling.

Of course, a freeze is something that I see as an integral part of those measures because, if members look at one of the seminal findings of the Productivity Commission in its report on Australia's gambling industry commissioned by the federal Treasurer whereby there is a link between levels of accessibility and levels of problem gambling—

The Hon. R.I. Lucas: Are you saying that they support a cap?

The CHAIRMAN: Order!

The Hon. NICK XENOPHON: In relation to the Productivity Commission's report, it has said that a cap is a blunt instrument but, by the same token, the commission also says that there is a link between accessibility of poker machines in terms of the numbers of machines and the numbers of venues. The corollary of that is that the greater the accessibility, the greater the levels of problem gambling. To be absolutely fair, in terms of what the commission said I will now refer to its findings in chapter eight without editing it. In relation to the link between accessibility and problems, one of the dot points states:

- Problem gambling prevalence rates tend to be highest in areas where accessibility to non-lottery gambling is highest—such as Victoria and New South Wales—and lowest where accessibility is lowest—such as Tasmania and Western Australia.

Another dot point states:

- While causation is hard to prove beyond all doubt, there is sufficient evidence from many different sources to suggest a significant connection between greater accessibility—particularly to gaming machines—and the greater prevalence of problem gambling.

The commission has published a number of graphs in terms of accessibility, levels of problem gambling and ease of access to venues, which would deal with the Hon. Mr Lucas' walking over cut glass analogy, but I would have thought that would be more appropriate to deal with in relation to any further bill dealing with levels of problem gambling.

I hope that clarifies my position in relation to the remarks made by the Hon. Mr Lucas, and I am obviously more than happy to have a civil discussion with him at any time about these issues.

The Hon. R.I. LUCAS: Now that the Hon. Mr Xenophon has clarified his remarks, I would like to clarify the remarks of the Productivity Commission and state very succinctly that the Productivity Commission has not indicated in any of its recommendations support for a cap or a freeze, and any inference otherwise from anyone would be misleading. I am not suggesting that the Hon. Mr Xenophon will go down that path; I am just saying that the Productivity Commission cannot be used by anyone to say that it has supported a cap or a freeze.

The CHAIRMAN: I am conscious that this is starting to enter the realms of another debate. I think it is about time we stopped that.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. R.I. LUCAS: As I indicated in my second reading contribution, I indicate my very strong opposition to clause 3 because, in essence, it is the freeze on gaming machines clause. Clause 4, which is the only remaining clause, relates to the Roosters Club. I will not repeat what I said in my second reading contribution. I have clearly indicated my opposition. However, I do want to indicate that I do not intend to call for a division on clause 3. I recognise from the contributions of members during the second reading debate that there is a comfortable majority prepared to support a temporary extension to 15 December, even though I am not, but in doing so I repeat that I am strongly opposed.

The Leader of the Government earlier today and on other occasions has tried to indicate when there has not been a formal vote that there was no opposition to the freeze being extended. For those who read the *Hansard*, I indicate that it is incorrect for the Leader of the Government to indicate that. Members—and I am one—have done so previously, and again today I am quite prepared to stand up and indicate my opposition. That in no way entitles the leader to indicate at some later stage that, because there was no division called, there was no opposition to the provision. I make that quite clear. The only reason I am not calling 'divide' is in the interests of everyone's getting away by the dinner break and my acknowledging that I am in a minority position in relation to this position. I nevertheless hold my views very strongly and oppose this extension.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

[Sitting suspended from 5.53 to 7.45 p.m.]

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORTING BY STATUTORY AUTHORITIES

The Hon. R.K. SNEATH: I move:

That the report of the committee, on the fifth inquiry into timeliness of annual reporting by statutory authorities 2001-02, be noted.

The Statutory Authorities Review Committee continues to monitor the annual reporting performance of South Australian statutory authorities as it believes timely annual reporting by statutory authorities is important for both accountability and transparency. This is the fifth report produced by the committee on the subject of timeliness of annual reporting by statutory authorities. Over the course of its previous inquiries into this subject, the committee has encountered difficulties in identifying all statutory authorities for which annual reports are required to be tabled in the parliament.

In all five of its reports the committee has recommended that the government should commit funds to compile and maintain a comprehensive list of statutory authorities for which annual reports are required to be tabled in parliament. The committee believes that this information should be widely accessible and that, therefore, all statutory authorities should be listed either on the SA Central web site or the ministerial web site. In many cases, establishing legislation sets down annual reporting requirements for statutory authorities which are more stringent than those set down by the Public Service Management Act 1995. The opposite can also apply where annual reporting requirements set down by the PSM Act are more stringent than those set down in legislation. This can lead to confusion over annual reporting deadlines.

In its third inquiry into timeliness of annual reporting by statutory authorities, the committee recommended that annual reporting requirements for statutory authorities should be consistent with those set down by the PSM Act. The PSM Act requires that an annual report should be forwarded to the relevant minister by 30 September and that the minister must then table the report in parliament within 12 sitting days. The committee believed that consistency in annual reporting deadlines would improve annual reporting performance by statutory authorities.

The committee's previous report showed a slight decline in annual reporting performance by statutory authorities for the 1999-2000 financial year and the 2000 calendar year. However, 76.2 per cent of annual reports required to be tabled in parliament were tabled in accordance with all legislative requirements. It is also reported that the 1999-2000 annual reports of 25 statutory authorities were tabled late. Reports for five statutory authorities were tabled two or three sitting days late, and 10 reports were tabled more than 10 sitting days late. The 1999-2000 annual report for one statutory body was tabled 34 sitting days late, on 24 July 2001.

Furthermore, it was reported that the 1999-2000 annual reports of nine statutory authorities had not been tabled in parliament. In the majority of cases the committee has identified that the annual reports have been completed and forwarded to ministers on time, but a delay occurred in the tabling of the reports in parliament. The committee recommends that ministers should ensure appropriate procedures are in place for annual reports of statutory authorities to be tabled in parliament in accordance with all legislative requirements.

In 2001-02, the committee reported a decline in the timeliness of annual reporting by statutory authorities. Sixty-six per cent or 112 of the 169 identified statutory authorities reported as per the requirement in the legislation. However, 46 or 27.2 per cent of authorities reported late. Ten or six per cent have not reported as of the time of this report. One new authority did not require a report for 2001-02.

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: The Hon. Mr Lucas interjects. This problem has existed for many years and has not got any worse; this year it actually has improved. Those reports will be tabled soon. The opposition should not go rushing in and patting itself on the back.

The PRESIDENT: The Hon. Mr Sneath will cease to provoke the opposition.

The Hon. R.K. SNEATH: Members opposite should not go patting themselves on the back because, when they were in government, they were not up to scratch as far as returning statutory authorities' reports on time. In fact, under their government, some never reported at all. In conclusion, the committee reiterates its belief that a central register of statutory authorities should be established and available on the internet. A similar recommendation has been made by a number of presiding officers over the years, including when the opposition was in government. On behalf of the committee, I thank Mr Gareth Hickery, the secretary of the committee, and Mr Tim Ryan, the research officer, for their contributions to the report. I also thank the committee members for

their hard work in the past 12 months. I commend the report to the council.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

DIRECTOR OF PUBLIC PROSECUTIONS

Adjourned debate on motion of Hon. Ian Gilfillan:

1. That a select committee be appointed to inquire into and report on the offices of the Director of Public Prosecutions and the Coroner, with particular reference to—
(a) the implementation of the enabling legislation of these offices to identify any improvements that could be made to the enabling legislation by amendment;
(b) the resources needed to effectively fulfil the roles and functions as required by the enabling legislation;
(c) the relationships between the Director of Public Prosecutions, the Coroner, the Attorney-General, the government and the parliament; and
(d) other relevant matters.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 5 May. Page 1474.)

The Hon. R.D. LAWSON: I rise to indicate support for this motion which seeks the establishment of a select committee to inquire into and report on the offices of the Director of Public Prosecutions and the Coroner. These are, of course, two entirely separate statutory offices, but both are very important in the South Australian justice system. Concerns have been raised about a number of aspects of the operations of the offices, to which the government has not provided satisfactory responses. I will deal first with the office of the Director of Public Prosecutions.

I cannot prevent myself from saying that it was extraordinary during the recent events in which the government was seeking to undermine the then director of public prosecutions, Mr Paul Rofe QC, and force him to resign that the Attorney-General was frequently and unctuously paying tribute to the work of the office of the DPP and drawing a very clear distinction (he thought) in the minds of the public between, on the one hand, the director himself and, on the other, the office. However, the fact is that the then director, Paul Rofe, was a very significant part of the office. He provided it with leadership and direction, notwithstanding the fact that the government considered him to be a political liability. We think it is deplorable that the government did not seek to exercise the power it had under the act to remove Mr Rofe (if that is what it wanted to do), but it was not prepared to take the political flak and it sought, instead, to cut the ground from under his feet. Mr Rofe said, after he had agreed to take the government's silver, that he had not been pushed. He may not have felt the knife in his back, but it was clearly there as the ground was being cut completely from under his feet.

One of the important tasks of this select committee will be to examine the resources available to the office of the Director of Public Prosecutions. I heard tonight on the television news—a day ahead of the budget—that the budget will contain an additional allocation to the office of the Director of Public Prosecutions. If that is confirmed (as I am sure it will be), that is to be welcomed. However, the question the select committee will have to ask is whether this new allocation, together with other additional allocations that have been made in recent times, is sufficient. In the annual report of the Director of Public Prosecutions for 2002-03, which was laid on the table of this council in December last year, the director writes under the heading 'Office Resources':

> The persistent problem facing the ODPP in South Australia has been the level of resources. This office has consistently run on a resource level far less than its interstate counterparts. That the office has managed to achieve comparative results in terms of interstate benchmarks such as conviction rates is a credit to the work ethic of the very dedicated group of people employed by the office. While various governments have increased funding on a regular basis to the office, this funding has never been sufficient to properly establish the office on a sound financial footing. The result is that after 10 years of insufficient funding, the office is stretched to its limit with staff working long hours and a six-day week as a matter of course. Given the subject nature of the work that they are involved in, the highly public nature of its performance and the increases in work that various government policies have involved, this level of pressure cannot continue being absorbed by staff. Unless the office is given a significant injection of funds in the short term, I am of a view that the ODPP will not be able to properly perform its essential functions in the criminal justice system.

That in itself was a warning which this parliament should have heeded.

Speaking for myself, I am concerned about the possibility that under-resourcing might affect the efficiency of the office of the DPP. In April last year it was reported in a publication of the Australian Bureau of Statistics on criminal courts in Australia that South Australia has the highest number of dropped criminal prosecutions in the country; almost double the national average. As I said, this matter was the subject of a statistical report. Kevin Borrick QC, President of the Criminal Lawyers Association of Australia, said that this high number of dropped criminal prosecutions raised serious questions. Mr Borrick queried the state's methods in investigating crimes and the Director of Public Prosecution's criteria for withdrawing criminal charges. It would be a matter of grave concern if, because of under-resourcing, prosecutions were being dropped in this state. That is an issue which ought to be examined. The government has never provided a satisfactory explanation for the figures.

In July 2003 the Director of Public Prosecutions, Mr Rofe, was quoted as saying that his office faced a possible 217 cases arising from the police commissioner's doubling of the task force investigating the question of child sex abuse in the churches and the paedophile task force which had been established. Here is another issue that raises a serious concern about whether our prosecution service is being appropriately funded. It would, again, be a matter of grave concern if matters like sex abuse cases were not prosecuted diligently and, more particularly, investigated and promptly charged. One of the great difficulties about sex abuse cases is the fact that many of them occurred many years ago and there are very real difficulties in prosecuting them.

Yet another responsibility of the Office of the Director of Public Prosecutions is maintenance of the witness support service. That important role is increasing under the new victims of crime legislation. Increasingly, victims are seeking support of that service; they are entitled to receive it. It is a time consuming task and one that should be done properly. This select committee will be able to investigate the resources required to satisfactorily discharge the responsibilities which this parliament has cast upon the witness protection service. There are questions relating to plea bargaining policies

which, incidentally, are set out in the annual report of the DPP as appendix B. I commend those policies to members. I believe that there is a need for those policies to be examined and fully understood by the parliament, and the select committee is an appropriate vehicle by which those policies can be examined.

In this particular regard, I mention a quote attributed to Mr Rofe when asked about the high number of dropped prosecutions in this state. He stated that the disparity between South Australia and other states may simply be that we apply the test of 'reasonable prospect of conviction' more regularly than they do elsewhere. That is an issue which ought to be examined. There will also be other questions which, under its terms of reference, the select committee will pursue for the benefit of the parliament and, ultimately, the community.

I turn now to the question of the term of reference dealing with the Office of the Coroner. The Coroners Act 2003 is a significant modification of the earlier act of 1975. The Coroner has very important responsibilities in our system of justice. One only has to reflect upon important coronial inquests such as that into the tragedy of the Whyalla Airlines crash which required a very long and extensive coronial investigation and inquiry which went for many months and which involved international connections and, ultimately, a very sound finding. One also remembers, for example, the coronial inquest into the petrol sniffing deaths on the lands. The findings were handed down by the State Coroner in relation to those matters in 2002. Each of the findings was a document of some 75 pages. It involved an extensive hearing. It involved the Coroner and his officers taking evidence from family and friends on the lands, medical and police services, those involved in indigenous policies and services, and the like. It was an extraordinarily difficult job admirably performed by the Coroner.

The Coroner performs, not only in those high profile cases but in countless other cases, a very important function, and questions are raised about the resources available to the Coroner and his office. We ought to remember that the function of the Coroner is to conduct inquests to ascertain the cause or circumstances of, for example, deaths in custody. Regrettably, there are all too many deaths in our correctional institutions; and those inquests are difficult.

The State Coroner, if he considers it necessary or if the Attorney-General so directs, is required to have an inquest into any other reportable death, or disappearance, or any fire or accident that causes injury to person or property. There have been a number of significant inquests into fires as well as into the loss of people at sea. 'Reportable death' includes 'any death by unexpected, unnatural, unusual, violent or unknown cause'. It also includes 'any death as a result of or within 24 hours of the carrying out of a surgical procedure or an invasive medical or diagnostic procedure, or the administration of an anaesthetic'.

A reportable death also includes a death that occurs at a place other than a hospital but within 24 hours of the person having been discharged from a hospital or an in-patient in a hospital. Members will be aware of a number of tragic circumstances where there have been deaths, especially of those persons who have had some recent mental health issues. There are also stipulations that a reportable death includes deaths in supported residential facilities and the like. It is worthy of note that, in handing down the findings of an inquest, the Coroner's Court may (and I quote here from section 25(2) of the act):

> . . . add to findings any recommendations that might, in the opinion of the court, prevent or reduce the likelihood of a recurrence of an event similar to the event that was the subject of the inquest.

Accordingly, the Coroner has an important role not only in determining what has happened in the past but also in making recommendations about the avoidance of issues in the future.

It is appropriate that at the same time as this select committee examines the office of the DPP it should examine also the resources available to the Coroner and his office. It is with pleasure that we support this motion. We look forward to serving on the select committee, which, if it does its job effectively, will provide a signal service to our community.

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

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO OBESITY

Adjourned debate on motion of Hon. G.E. Gago:

That the committee's report be noted.

(Continued from 5 May. Page 1478.)

The Hon. G.E. GAGO: I thank all members who have contributed to this debate. I particularly thank committee members and the committee staff members. It is a most important issue. The report outlines a wide range of recommendations which, hopefully, will be taken up by the government and which, I believe, will make a significant difference to this ever-increasing problem. I thank committee members and staff members for their contributions.

Motion carried.

CIVIL LIABILITY (PRIVILEGE OF INTERNET REPORTS) AMENDMENT BILL

The Hon. R.D. LAWSON: I seek leave to move Order of the Day: Private Business No. 7 in a slightly amended form.

Leave granted.

The Hon. R.D. LAWSON obtained leave and introduced a bill for an act to amend the Civil Liability Act 1936. Read a first time.

The Hon. R.D. LAWSON: I move:

That this bill be now read a second time.

The bill, for the benefit of members, is described now as a bill to amend the Civil Liability Act 1936 rather than the Wrongs Act 1936. As a result of the Statutes Amendment (Ipp Recommendation) Bill recently passed, the title of the Wrongs Act has been changed from the Wrongs Act to the Civil Liability Act, and that is the reason for the change. As I am looking at the Wrongs Act I will refer to it as the Wrongs Act, because members will probably be more familiar with its provisions. Section 6 of the Wrongs Act provides:

> A fair and accurate report published by newspaper, radio or television of proceedings publicly heard before any court exercising judicial authority shall, if published contemporaneously with such proceedings, be privileged:

Members should note that the fair and accurate report protected by that section is one that is published by newspaper, radio or television. Section 7 of the act similarly provides:

> A fair and accurate report, again published by newspaper, radio or television of the proceedings of—

(a) a public meeting; or
(b) of either house of parliament; or
(c) . . . of any meeting of a municipal or district council, school board of advice, board of health. . .
(d) a meeting of any royal commission, select committee of either house of parliament; or
(e) a meeting of shareholders in any incorporated company,

and the publication by newspaper, radio or television at the request of any government office or department, minister of the Crown, or the Commissioner of Police, of any notice or report issued. . . shall be privileged unless it is proved that the report. . . was published or made maliciously.

Again, the protection that is extended to those reports is extended only to those if published by newspaper, radio or television. Section 8 deals with penalties on unfair and inaccurate reports of the type just mentioned. Section 10, 'Defence in any action against a newspaper or radio or television station for libel,' provides that 'defence' involves the insertion in the newspaper or periodical publication of an apology and/or retraction. Again, it is limited to the publications I have previously mentioned. Finally, section 11 of the act provides that evidence can be given in mitigation of damages in an action for libel, which again applies only to those publications.

Before the parliament at present we have the Statutes Amendment (Courts) Bill, which actually confers privilege on the publication of judicial decisions on any internet site maintained by the Courts Administration Authority. Members will be aware that the Courts Administration Authority does now publish on the internet the sentencing remarks of judges in the criminal jurisdictions of both the District Court and the Supreme Court. That is a very valuable service. We will certainly be supporting the extension of privilege to such publications. Previously this evening I was speaking of the Coroner's Court. The Coroner also publishes on the internet the findings of coronial inquests. Again, it is a valuable service which enables people in the community to receive not only a truncated or abridged version or report of a judicial decision but also the whole judgment.

This short bill seeks to extend the class of publications to which these provisions apply to include publications by means of the internet. The purpose of granting the privilege is not to favour one particular medium or method of publication but, rather, to confer publication on the report itself, however disseminated. Our Wrongs Act has been too technologically specific. We ought to extend, not only as we are doing in relation to judicial decisions, the privilege to publication on the internet more generally. I do hope that the government and the parliament will adopt this initiative. I notice, for example, that in Queensland similar provisions apply, and it is entirely appropriate that we in this state should ensure that our laws are up with the times and that dissemination of information on the internet (which is now very widespread) is encouraged rather than discouraged. I commend the bill.

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

PLUMBERS, GAS FITTERS AND ELECTRICIANS ACT

The Hon. J. GAZZOLA: I move:

That the regulations under the Plumbers, Gas Fitters and Electricians Act 1995 concerning exemptions, made on 18 December 2003 and laid on the table of this council on 17 February 2004, be disallowed.

These regulations exempt apprentice electricians from registration under the Plumbers, Gas Fitters and Electricians Act 1995. Consequently, they are not given a registration card and cannot sign a certificate of compliance of work completed. The National Electrical and Communications Association wrote to the Legislative Review Committee advising that if an apprentice cannot sign a certificate of compliance he or she would be given less responsibility and work, therefore compromising the level of training provided to them. The Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union also wrote to the Legislative Review Committee advising that 'workers entering people's dwellings or business to carry out work should be licensed and carry identification, otherwise the consumer will not be protected'. The Minister for Consumer Affairs wrote to the committee on 31 March 2004 and acknowledged that the exemption should be revoked.

Motion carried.

PLUMBERS, GAS FITTERS AND ELECTRICIANS ACT

Order of the Day, Private business No. 11: Hon. A.J. Redford to move:

That the regulations under the Plumbers, Gas Fitters and Electricians Act 1995 concerning exemptions, made on 18 December 2003 and laid on the table of this council on 17 February 2004, be disallowed.

The Hon. D.W. RIDGWAY: I move:

That this order of the day be discharged.

Motion carried.

FOSTER PARENTS

Adjourned debate on motion of Hon. R.D. Lawson:

1. That a select committee of the Legislative Council be appointed to investigate the care of children under the guardianship of the minister and, in particular—
(a) whether the state government, and in particular, Family and Youth Services (FAYS) provides sufficient and appropriate support to foster parents;
(b) identify problems being confronted by foster parents;
(c) examine the tendering process by the Department of Human Services for new contracts to support foster carers and children, and whether these contracts will provide the required support;
(d) examine alternative care being provided to children under guardianship;
(e) whether the children are at risk of abuse due to the lack of resources within FAYS; and
(f) any other related matters.

2. That the select committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the chairperson of the committee to have a deliberate vote only.

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

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

(Continued from 31 March. Page 1335.)

The Hon. R.D. LAWSON: On the last occasion I spoke on this matter, I sought leave to conclude. I outlined in some detail many of the complaints that have been received, not only by the opposition but also by other members of this

place, concerning the care of children under the guardianship of the minister. Issues around the sufficiency of support for foster parents and the difficulties which they face are important, as outlined in my earlier speech. In concluding my remarks in support of the establishment of this select committee, I indicate that there has been no cessation of the flow of material from people in the community who are strongly supportive of the establishment of this parliamentary committee.

There is only one letter that I thought I should put into the record, because it highlights not only the depth of concern but also some of the sorts of people who are expressing these concerns. The opposition received a letter from a lady in her 50s. She has been a foster carer for over 25 years. She and her husband have been highly applauded and recognised for their work in the foster care field. She has been a prominent member of SAFCARE and has been on many committees with FAYS over the years to work out better ways in which to work together. She records that one of the projects on which she was working was stopped when the government changed.

I will not go into the details of some of the complaints. No doubt the select committee will have an opportunity to examine the issues that are raised by this experienced, caring foster carer. However, the letter states:

> I can go on forever, about rude social workers, being told you are only a foster parent and feeling worthless. . . And we are just a little drop in a big bucket, there are hundreds of carers that have been mistreated by the dysfunctional system.

She talks about statements being made which are disgraceful, lies by social workers and the fact that foster carers have been told that they have no rights, and so on. Whilst I have no reason to doubt the accuracy of this and other letters, it is only appropriate that a select committee be established to enable evidence to be presented and for a committee to reach very real conclusions about what has been happening. It is still a matter of regret that the 207 recommendations of the Layton report have not yet been implemented.

Many people in the community will be hoping that there is a very significant allocation in tomorrow's budget to address some of these issues but, even if there is an allocation sufficient to fund all the recommendations in the Layton report (a matter about which I have serious doubts), there will be no question that there are still many issues in the community that will not be addressed by the implementation of the Layton report which, of course, looks to what is to happen in the future and not the base from which we are coming. Accordingly, I urge support from members for the establishment of this important select committee.

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

PUBLIC INTOXICATION (ABORIGINAL LANDS) AMENDMENT BILL

The Hon. R.D. LAWSON obtained leave and introduced a bill for an act to amend the Public Intoxication Act 1984. Read a first time.

The Hon. R.D. LAWSON: I move:

> That this bill be now read a second time.

The purpose of this bill is to amend the Public Intoxication Act to declare that petrol, when possessed or used for the purposes of inhalation, is a drug for the purposes of the Public Intoxication Act, and that the Anangu Pitjantjatjara lands is a public place for the purposes of the act. The primary driver of this bill is recommendations made by the Coroner in his findings into the petrol sniffing inquest. Those findings were handed down on 6 September 2002. It is a matter of grave regret that this government has not implemented the recommendations of the Coroner. The Coroner provided a blueprint for addressing these issues. It is significant that the Coroner was returning to the lands this year—in April, I think—and, when the government realised that the Coroner was returning to investigate the question of whether or not his suggestions had been implemented and the government learnt of the fact that there had been further deaths on the lands from various causes, that the government realised that it had a major political problem. Up until that time, it had not been addressing the problem on the lands.

There had been a great deal of talk. There had been committees, task forces and the like but there had been no action. The government was absolutely scared that the Coroner would return and that he would draw to public attention the shame that was occurring on the lands. I say at the very outset that this measure is compliant with a recommendation of the Coroner. It is not something that the Liberal Party has thought up: it is implementing a recommendation. The reason why I am introducing it is that it is one recommendation in the Coroner's report that this parliament can adopt. Many of the countless other recommendations that he makes involve the establishment of services, the delivery of services and the administrative organisation of government, which, of course, are in the hands of executive government—and ought be in the hands of this minister. The minister has actually been relieved of his portfolio responsibilities, which have been handed over to Bob Collins—and Bob Collins seems to be acting a little more quickly and effectively than the minister, but that is another issue.

The offence of being drunk in a public place was removed from the Police Offences Act in 1976. The reason for that initiative was acceptance of the fact that persistent drunkenness is usually a medical problem caused by alcoholism and that it is futile to put drunks in gaol. No doubt, members will remember the bad old days when police would round up people who were drunk in the city squares and parklands, throw them into the paddy wagon and drag them before a magistrate, who would fine them for the 150th, 200th or 250th time. At the time, the offence of being drunk in a public place was removed from the Police Offences Act. It was accepted that they should not be treated in that way but that they should be treated in a detox or drying out centre rather than gaol. However, it is worth remembering that that act (which was passed in 1976) was not proclaimed to come into force until 1984—eight years later.

The reason for that delay was that no detox facilities were available and there was no alternative method of dealing with intoxicated persons, other than throwing them into gaol. However, in 1984 a new Public Intoxication Act was passed. It provides for 'the apprehension and care of persons found in a public place under the influence of a drug or alcohol.' The expression 'drug' is defined as any substance declared to be a drug for the purposes of the Public Intoxication Act. The essential provision of this act is section 7, which provides that police may apprehend a person who is under the influence and take that person home, or to a police station, where they can be held for up to 10 hours, or to a sobering up centre, or to some other place approved by the Minister for Health. It is interesting that this was recognised as a health

matter rather than one for correctional institutions or the police. Without that provision in section 7, the police were powerless to pick up persons in public places who were drunk or so drug affected as to be incapable of caring for themselves.

It is in this context that the Pitjantjatjara Land Rights Act was enacted in 1981; that is, after the offence had been removed from the Police Offences Act but before that removal had been proclaimed. Section 42D of the Pitjantjatjara Land Rights Act provides that persons, first, shall not be in possession of petrol for the purposes of inhalation, which is a $100 fine; and, secondly, shall not sell or supply petrol if there are grounds to suspect that it will be used for inhalation, with a penalty of $2 000 or two years imprisonment. However, section 42D(5) provides that the Governor can fix a date for the expiration of that section.

The act, in fact, came into operation on 18 June 1987 and a proclamation was made on that date which called for the expiration of that provision—in other words, it never came into effect. The reason was that the AP (the Anangu Pitjantjatjara corporate body) had made by-laws to the same effect, so that, rather than having this provision in the act, it was in the by-laws.

I come now to the findings of the Coroner in the so-called petrol sniffing inquest, and I cannot do better than read into the record those findings, because they cogently make the case, beginning at paragraph 10.51, as follows:

> Senior Sergeant Wilson said that 20 to 30 bonds are imposed on the Anangu Pitjantjatjara Lands in each court circuit. The circuits occur every two months. The bonds carry a condition to be of good behaviour, but the magistrate does not make treatment orders or other orders directed at rehabilitation because there are no such facilities available.
>
> This is particularly significantly since the maximum penalty for possessing petrol for the purpose of inhalation is only a $100 fine, and the usual penalty imposed in the Magistrates Court is that the complaint is dismissed without conviction, or the defendant is convicted without penalty. I am sure that more creative and positive opportunities for rehabilitation would be used if they were available.
>
> It was pointed out during the inquest that petrol has not been proclaimed by regulation to be a drug for the purposes of the Public Intoxication Act. . . The police therefore have no power to detain a person who is intoxicated as a result of sniffing petrol for his or her own safety. Even if there was such a power, that person could only be detained at the police lock-up, which is quite an inappropriate place to care for such people.

I interpose that any member who has seen the lock-up facilities on the lands would undoubtedly agree with that observation of the Coroner. In paragraph 10.54, the Coroner continued:

> The Public Intoxication Act was enacted in order to empower police to detain a person who is intoxicated by alcohol or other drugs without being charged with an offence. It was envisaged that there should be 'sobering up' facilities established, to which police could convey detainees so that they can receive adequate care. Regrettably, few such places have been established.
>
> There is an urgent need for such powers in the Anangu Pitjantjatjara Lands. In my view, petrol should be declared to be a drug to which the Public Intoxication Act applies, so that the important safeguards in the act can be made available in the Anangu Pitjantjatjara Lands.
>
> The act gives the police power to detain an intoxicated person 'who is in a public place' (section 7(1)(a)). I am aware of some authority which suggests that the Anangu Pitjantjatjara Lands are not a 'public place' as that term is legally understood. The act may need to be amended so that it extends to the Anangu Pitjantjatjara Lands.

In his final recommendation the Coroner stated, at paragraph 8.6:

> The Public Intoxication Act should be amended so that it applies to the Anangu Pitjantjatjara lands. There should be a declaration that petrol or hydrocarbons, or the vapours thereof, are a drug for the purposes of the act. A secure care facility would provide a 'sobering up' facility to which detainees could be taken pursuant to the act;

To date, neither of these recommendations has been adopted by the government. The establishment of a secure care facility has been under active consideration by governments of all persuasions for some time and, no doubt, it is under active consideration by this government and this minister. We can only hope that there will be an announcement on that front tomorrow and an appropriate budget allocation to ensure that such a facility is established. However, as I mentioned earlier, parliament cannot establish a secure care facility without government support. What parliament can do is amend the Public Intoxication Act in conformity with the Coroner's recommendations, and that is what this bill seeks to do.

I concede at the outset that, unless a secure care facility is established, amendments to the Public Intoxication Act are only one half of the solution, but it is an important half and it is one step that we can take to urge the government to give the minister the power he needs to extract from the ever-cooperative Treasurer funds to provide the appropriate facilities which will provide the other part of this jigsaw. I commend the bill.

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

MARINE PROTECTED AREAS

Adjourned debate on motion of Hon. Sandra Kanck:

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.

(Continued from 18 February. Page 1004.)

The Hon. G.E. GAGO: I rise in support of this motion introduced by the Hon. Sandra Kanck, which requests an inquiry into marine protected areas. The government supports this motion, with amendments involving four areas. I move:

Leave out all words after 'That the Legislative Council requests' and insert the following—

the Environment, Resources and Development Committee to inquire into and report on marine protected areas, with particular reference to—

1. identifying reasons for 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 such activities may be permitted;
4. the identification and assessment of the options available to appropriately regulate 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.

The first part of the proposed amendment relates to the first sentence of the Hon. Sandra Kanck's motion. The government proposes to replace the Natural Resources Committee with the Environment, Resources and Development Committee (ERD committee) as the more appropriate parliamentary committee to inquire into and report on marine protected areas. The reason for the amendment is that the issue of marine protected areas is more applicable to the terms of reference of the ERD committee.

The second part of the amendment relates to point 1 of the original motion. The reason for this proposed change is to ensure that the committee inquires into all delays in the introduction of a system of marine protected areas, not only those delays for which the government might be responsible. This amendment will broaden the scope of the committee's investigation.

The third part of the amendment relates to point 3. The rationale behind this proposed change is to ensure that mining and exploration activities in marine protected areas are not necessarily totally prohibited. The committee should consider that, in some circumstances, mining and exploration activities in marine protected areas may not necessarily be detrimental and damaging to the natural environment. So, again, this amendment broadens the scope of the committee's investigation.

The fourth and final proposed change relates to point 4. This will ensure that a blanket ban on all mining and exploration in marine protected areas does not occur. Rather than a blanket ban, the government proposes that mining and exploration in marine protected areas be appropriately regulated. This will mean that in some cases permission for mining and exploration activities may be granted and in some cases limited or banned.

I believe that these proposed amendments do not detract in any way from the original motion but, rather, expands the range of options for consideration by the committee. Being a member of the ERD committee, I look forward to participating in this important and what I am sure will be a very interesting and challenging inquiry. I believe the amendment will assist the inquiry into marine protected areas and therefore urge all members to support it.

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

FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS

Order of the Day, Private Business, No. 33: Hon. A.J. Redford to move:

That the regulations under the Freedom of Information (Fees and Charges) Regulations 2003, made on 28 August 2003 and laid on the table of this council on 16 September 2003, be disallowed.

The Hon. D.W. Ridgway (for the Hon. A.J. REDFORD): I move:

That this order of the day be discharged.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: CONTROLLED SUBSTANCES ACT

Adjourned debate on motion of Hon. J. Gazzola:

That the report of the committee on regulations under the Controlled Substances Act 1984 be noted.

(Continued from 25 February. Page 1097.)

The Hon. SANDRA KANCK: The Australian Democrats have always advocated a harm minimisation approach to the use of illicit drugs. So, it was with approval that I saw that my parliamentary colleague the Hon. Ian Gilfillan had cosigned with Kris Hanna, the member for Mitchell, the minority report attached to the committee's report on the issue of the cannabis expiation notice (CEN) scheme. Whilst the growing of cannabis remains illegal, the CEN scheme has always tacitly acknowledged the widespread use of that drug, and it therefore has provided a non-criminal penalty if users comply with the parameters set down within that scheme. The 2001 National Drug Strategy's household survey found that, of South Australians aged between 14 and 24, 32.9 per cent had used cannabis in the previous 12 months; and of those aged 25 to 39, 23.4 per cent had used cannabis in the previous 12 months. So, we are talking about a significant proportion of the South Australian population.

I do not advocate the use of recreational drugs, and I have never used illicit drugs. As a consequence of being hospitalised as a teenager with toxic poisoning from a medically prescribed drug, I have no desire for any further similar experiences. However, recreational drugs are used widely in our society. They are occasionally policed when it comes to illicit drugs; they are tolerated in the case of tobacco; and they are glorified in the case of wine. Over time, successive state governments have reduced the number of cannabis plants that a user can have growing at any one time and incur only a civil penalty if caught. I think a couple of decades ago it was 10 plants; it went down to five, then three and now it is one. It is interesting that this state government has reduced the number of allowable plants to one—this demonstrates, of course, its conservatism.

This means that, if a person is growing a marijuana plant in their backyard, they cannot plant a seed for a new one until the old one has died. So, if they want to ensure a continuity of supply, by growing a second plant they face a $160 fine. If they grow a plant hydroponically, that immediately puts them into the criminal category, because that is called 'manufacture'. I understand from talking to others who use marijuana that growing marijuana in the backyard is problematic, first, in terms of the survival of a plant in cold weather and, secondly, because of intruders breaking into the backyard.

This government's approach of dropping the number of allowable plants to just one could see a user decide not to take the risk and instead purchase marijuana on the street from a dealer, thereby entering into the realm of criminal activity. Surely, the last thing we want for our young people (perhaps our children or grandchildren) is for them to be heading off to street dealers or drug lords where there is a much wider range of illicit drugs that can be purchased.

This report shows that more and more people are being ensnared in criminal proceedings as a result of this more restrictive approach. In the 2001-02 year before the current reduction in the allowable number of plants, 1 277 expiation notices (a civil penalty) were issued for cultivation whilst 1 400 were charged with manufacturing cannabis (a criminal penalty). In 2002-03, only 485 expiation notices were issued compared to 1 896 charges for manufacture. If you go back earlier still to 1998-99 before the number of allowable plants was brought down to three, the figures were 2 200 and 383, respectively.

So, it is clear that, as the laws have been made tougher, there have been more criminal charges and fewer civil penalties. Yet, the CEN scheme was introduced to reduce criminal convictions for recreational users of marijuana and to free up court resources for more serious matters. Now, once again, significant court resources are being devoted to processing minor offences that could result in the person charged carrying a criminal conviction for the rest of their life. This report reveals also that offences for the sale, supply and manufacture of amphetamines have skyrocketed in the past few years. Is this a result of the CEN scheme being made much more difficult? One could certainly argue that on the basis of the statistics.

The Democrats are very mindful of links between marijuana use and the onset of schizophrenia or psychotic episodes in some users. We do not advocate the use of marijuana. We must do all we can to discourage the use of habit forming drugs and to encourage people to experience life as it is: sometimes boring, sometimes painful and even sometimes exhilarating. Using a scheme such as this to turn young people into criminals so that this government can promote itself as a law and order government is reprehensible. I am sorry that the majority of the committee has backed the government's stance. The Democrats support the motion to note this report.

The Hon. J. GAZZOLA: I thank all honourable members for their contributions. I also thank all witnesses for their submissions and committee members and staff for their work on the report.

Motion carried.

ECONOMIC DEVELOPMENT

Adjourned debate on motion of Hon. Sandra Kanck:

That this council notes the failure of the Minister for Infrastructure to develop and implement a strategic plan for the maintenance and enhancement of South Australia's infrastructure as outlined by the Economic Development Board in its report 'A Framework for the Economic Development of South Australia'.

(Continued from 24 May. Page 1560.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the motion. In doing so, I address the comments that have been made by the Hon. Sandra Kanck and the speech written by Mr Leon Bignell and read out by the Hon. Gail Gago on behalf of the minister, or in purported defence of the minister and his supposed industriousness and conscientiousness in his application to the task of being the Minister for Infrastructure. I am sure that the Hon. Mr Gazzola and the Hon. Mr Sneath must have seen Leon Bignell coming and they were too smart to be asked to read the speech, but the Hon. Gail Gago drew the short straw. She was not quick enough and someone had to stand up and read out Leon Bignell's speech. It was the Hon. Gail Gago, the three-time loser from elections past, now safely ensconced in the Legislative Council, who had to read the speech of defence.

Members interjecting:

The PRESIDENT: Order! Members on my right should cease to provoke the speaker on his feet.

The Hon. R.I. LUCAS: The motion of the Hon. Sandra Kanck is important because the whole notion of infrastructure development for a small and regional economy like South Australia's is critical. I suspect that, in the end, the Hon. Sandra Kanck and I might have slightly different views in relation to how we should tackle South Australia's infrastructure problems and the appropriate roles (if at all) of public/private partnerships and others. Nevertheless, there is a shared recognition that we do have an important infrastructure development problem—regional, in particular, but also metropolitan—and that governments really do have to address the issue. Sadly, this government and this minister have been found asleep at the wheel.

The Economic Development Board, in 2002 and then again in early 2003, recognised the critical need for infrastructure development in South Australia. As the Hon. Sandra Kanck has highlighted, an office of infrastructure and a Minister for Infrastructure were established and appointed to try to tackle South Australia's problems. The Hon. Sandra Kanck and her team obviously did a considerable amount of research trying to establish exactly what the Minister for Infrastructure has been doing since his appointment. It makes for very interesting reading.

The Hon. Sandra Kanck and her team managed to establish that one press release was issued by the Minister for Infrastructure in all the time that he has been minister. Of course, we have not seen any legislation in relation to infrastructure development from the Minister for Infrastructure. In terms of major projects, virtually all of the major projects, which Mr Bignell (in his speech written for the Hon. Gail Gago) sought to highlight in terms of infrastructure development, were all rightly identified by the Hon. Sandra Kanck as initiatives of the former government which had been significantly commenced prior to the change of government.

When one looks at the contribution of the Hon. Gail Gago, in an attempt to defend the indefensible she listed a large number of infrastructure projects that she believed the government had been undertaking and said that we have a hard-working, conscientious and diligent minister. She then named a few of his achievements thus far, including the $1.2 billion Darwin rail corridor, the $300 million project integrating road, rail and shipping infrastructure at Port Adelaide and the $260 million development of Adelaide Airport.

The Hon. J. Gazzola: Single handedly.

The Hon. R.I. LUCAS: Obviously. As I said, even the Hon. Bob Sneath and the Hon. John Gazzola were not stupid enough to read this particular contribution on to the record—it would only be the Hon. Gail Gago who would fall for this

one. Nobody in South Australia, with the possible exception of the Hon. Gail Gago, Leon Bignell and the Hon. Mr Conlon would believe that the Hon. Mr Conlon could claim sole credit for the Darwin rail corridor, the redevelopment of Adelaide Airport and the $300 million road, rail and shipping infrastructure project at Port Adelaide.

If we go through those projects in order, the $1.2 billion Darwin rail corridor, of course, was all signed, sealed and delivered prior to the change of government in March 2002. It is true that the new Premier was able to go to the opening of the new rail corridor and the launch (if that is the right word) of the first rail engines and carriages from Adelaide to the Northern Territory. It is true that the final opening of the Darwin rail corridor did occur after March 2002 but, as I said, I would hope that even the Hon. Michael Rann, with all his humility that we acknowledge, would not assume that he and his government were single handedly responsible for the Darwin rail project.

The second one is the $300 million project integrating road, rail and shipping infrastructure at Port Adelaide. As the Hon. Sandra Kanck would know (as she worked very closely with my colleague the Hon. Diana Laidlaw), the Hon. Diana Laidlaw, contrary to the new Minister for Infrastructure, pushed legislation through this parliament with the support of members like the Hon. Sandra Kanck and, in large part, the Labor Party in relation to the road and rail transport corridor project which we referred to as the Port River crossing project. Indeed, in that legislation there is the capacity for the charging of tolls and a variety of other difficult decisions which this parliament passed and which was led by a conscientious, diligent and hard-working minister—not the Hon. Mr Conlon, but the Hon. Diana Laidlaw—just prior to the last election. That particular project, the legislation, the initial planning and the significant initial funding allocation of over $100 million for the first components were discussed and approved by cabinet as PPPs and also with some federal and state funding commitments for some aspects of them. I think in the original tranche it was a $30 million to $40 million combination of state and federal money for part of the initial stage of the Port River crossing project.

In relation to the redevelopment of the Port, the Hon. Ms Gago and Mr Bignell have very short memories, because a significant part of the work in relation to the Port and the Port redevelopment project had been completed prior to March 2002. I acknowledge that there were some remaining issues that whoever was in power after March 2002 needed to resolve with the interested parties. I also acknowledge that there were some issues that the new government had to resolve in relation to ensuring that the Port redevelopment project went ahead. Of course, in large part, it has been tied up with privatisation of the Ports by the former government. Without that this redevelopment would not have been implemented.

I also acknowledge that, in relation to some of the lead-in roadworks, the new government has actually added some additional elements to some of the roadworks leading into the Port River crossing project. Nevertheless, substantially, this particular project integrating road, rail and shipping infrastructure was talked about, discussed and significantly implemented by the former government prior to March 2002. Given the claims that the Premier has made about how he resolved the issues after March 2002, he certainly made it clear that it had nothing to do with the Hon. Mr Conlon in terms of his contribution to any potential resolution of outstanding issues.

The third project was the $260 million redevelopment of the Adelaide Airport. Again, a significant amount of the work had already been concluded prior to March 2002. Indeed, if it had not been for the Ansett collapse that project would have been implemented. The opposition will certainly acknowledge that, with the collapse of Ansett, there was for the new government further significant work that needed to be done, and the opposition acknowledges that, in relation to the new Airport, the new government did have to undertake significant further discussion and consultation. Significantly, in the end over 95 per cent of this funding comes from the private sector, so it is really a commercial decision that has to be taken by commercial interests. It was the former government that initially contributed just over $10 million towards the project, and that was already in the forward estimates. So, it is not true that the new government made any additional funding commitment to the Adelaide Airport other than the contribution that had been put into the forward estimates by the former government.

The Hon. Ms Gago then went on to talk about the deepening of the Port which, of course, is already part of the first project that she had mentioned. She talked about a $109 million deep sea grain wharf at Outer Harbor, announced in September 2002. She also talked about the $136 million stages two and three of the Port River Expressway. Again, they were issues that were already canvassed in the first $300 million project. When you summarise it, all that the Hon. Ms Gago could find, even with the speech written by the minister's own press secretary, were those three projects. The only three projects that they could find were the rail corridor project to the Northern Territory, the Port River crossing project, and the Adelaide Airport.

Members interjecting:

The PRESIDENT: Order! Honourable members shall not converse aloud or make repeated interjections while another member is orderly debating a bill or another matter. Whilst the Leader of the Opposition is orderly debating the issue, your responsibilities are clear.

The Hon. R.I. LUCAS: Mr President, the government is squealing like stuck pigs at the moment; one can understand why because there is nothing more that it can do in relation to trying to defend their minister against this particular charge which has been levelled at the minister and the government by the Hon. Sandra Kanck in relation to infrastructure development.

Members interjecting:

The Hon. R.I. LUCAS: Government members seek to make a great joke of the lack of activity in relation to infrastructure in South Australia. That, indeed, is a shame.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Mr President, the Hon. Paul Holloway says wait until the budgeted $950 million. A significant number of the projects in the $950 million that were released today were released and announced over the last 12 months. Indeed, some of them were announced by the former government in 2001-02, and the reason why it is $950 million is that this government deliberately underspent the budget last year and stopped capital works projects so that they could increase the size of the capital works budget this year. So, there was actually a minister of this government who stood up late last year and then again early this year, and said, 'We're going to put on hold important school and hospital projects because we think the construction market is overheated at the moment, and we can't get a good deal.'

Members interjecting:

The Hon. R.I. LUCAS: That was your minister stopping important school projects which, clearly, you are not committed to, because he claimed that the construction industry was overheated. That is the sort of feeling for the students of South Australia that you lot in this government have, this miserable lot who do not have the interests of school children and patients in hospital at heart. They sit there slavishly supporting their ministers and repeating whatever drivel and diatribe that is served up to them to read out in this place to defend their indefensible ministers. But we will stand up in this place and we will defend the students in our schools, and we will defend the patients in our hospitals from this outrageous attack from this uncaring and unfeeling government supported by this lot, if I can refer to them kindly, Mr President, on the backbench squealing like stuck pigs at the moment.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Let them go, Mr President, for they know not what they do. The problem that we see with infrastructure at the moment is the same problem that we see with the issues raised this afternoon by the Minister for Industry, Trade and Regional Development. We have a government that is not prepared to make decisions. Today we had a minister, for example, in the critical area for assistance for small business services in South Australia who said, after more than two years of reviews, ministers and restructures, that he was still not able to make a decision about how he can help small businesses in South Australia. We are going into the third year—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Well, you are not helping them. There are 13 per cent fewer small businesses since you came into government. That is how you are helping them. You are getting rid of them—13 per cent fewer small businesses since you came into power! What have you been doing with it? You are meant to be helping them.

Members interjecting:

The PRESIDENT: Order! I would remind all members of my demands when I was first elected as President, that is, that we would maintain the dignity of the chamber. We are very close to breaching that recommendation.

The Hon. R.I. LUCAS: Mr President, I welcome the significant interjections that have been allowed during my contribution, and I look forward to their continuing when the tables are reversed.

The Hon. R.K. Sneath: You'll be out of order.

The Hon. R.I. LUCAS: I suspect that I might be. The point I make in response to the interjections of the Hon. Mr Sneath is quite simply that what this government is doing to help small business is that it is driving literally hundreds of them out of business every month. In the past two years there has been a 13 per cent reduction in the number of small businesses in South Australia. People are throwing their hands in the air and saying, 'This government is so out of touch. This government is not prepared to do anything to work with us to assist to grow this economy.'

These people have been going out of business under the government of members opposite in just two years. The point that I was making is that after 2¼ years of reviews and restructures, new ministers and new chief executives this minister for small business, this minister for industry, still cannot make a decision about how he is going to structure state government services to work with small business. He cannot make a decision. He said, 'We had a review which reported on small business services last May, and now I am going to have another review; and then, maybe by the end of the year—

The Hon. J.S.L. Dawkins: Another seven months.

The Hon. R.I. LUCAS: Another seven months—I will make a decision about the delivery of small business services in South Australia.' We will be into the last year of the four year Rann government term and this minister will finally have made some decisions about how he is going to help the most critical part of our state's economy, the engine room of growth: the small business sector.

The Hon. T.J. Stephens: Hear, hear!

The Hon. R.I. LUCAS: I am delighted to see my colleague the Hon. Mr Stephens supporting me at this stage. The small business sector is the absolute engine room of this state's economy, and it will be only in the last year of the four year Rann government term that the government will be in a position to make a decision, and that is a disgrace. This motion raises the same issue: it will only be at the end of this year or the start of next year, in the last year of a four year Rann government term, that this Minister for Infrastructure will be in a position to make critical decisions in relation to infrastructure development—

The Hon. P. Holloway: Nonsense!

The Hon. R.I. LUCAS: Well, it is nonsense. That is right. I agree with the Hon. Mr Holloway for once. That is nonsense, but it is more than that. It is a disgrace that, for three years, this government and this minister have sat on their hands and done virtually nothing in terms of infrastructure development. They have not introduced legislation; they have not issued press releases; and they have not managed and led projects at all in terms of the critical issue of infrastructure development in South Australia. This is a substantive motion, but, frankly, the problem in relation to this minister is that, in my judgment, he is lazy, and even his own colleagues in the corridors will acknowledge that.

He may well be a very friendly and convivial drinking companion but, in relation to the capacity to get down and do some hard work and to get some projects up and going, the last person in this government you would give that task to would be the Hon. Mr Conlon. The last person you would give that job to would be the member for Elder. It will have been three years before we get a state infrastructure plan and three years before we see (we hope) something new from this government that was not first commenced by the former government, such as the Adelaide-Alice Springs rail project, the port redevelopment, the Adelaide Airport redevelopment and various other redevelopments. At some stage, there has to be something new from this government that it can claim as being its own. In relation—

An honourable member interjecting:

The Hon. R.I. LUCAS: If I ever stood for election to the lower house, I certainly would not seek advice from the Hon. Gail Gago in terms of her record of campaigning in marginal seats in the lower house. I may well talk to the Hon. Mr Gazzola. I am not sure of his record, but, certainly, I would not be speaking to the Hon. Gail Gago. The final issue I want to address in relation to infrastructure development is the critical issue of public/private partnerships. This government, from its first budget in 2002, and repeated in its second budget in 2003, has committed significant funds for consultants, public servants, committees and advisers to look at public/private partnerships all over the place. As we enter the third year of this government, we have not had one pub-

lic/private partnership project delivered for all the millions of dollars that have been spent.

The Hon. J. Gazzola interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Gazzola will know that his friends and colleagues in the union movement, including some he might not be quite so friendly with in the PSA, are adamantly opposed—

The Hon. J. Gazzola interjecting:

The Hon. R.I. LUCAS: I said, 'Including some he might not be quite so friendly with in the PSA.' I see that the honourable member does not disagree with that description. Union leaders, such as one with whom he would be more friendly, Janet Giles from the UTLC, Jan McMahon and others are trenchantly opposed to the notion of public/private partnerships. They characterise public/private partnerships as a breaking of the pledge made by Premier Mike Rann in relation to 'no more privatisations'. They are their words, not mine.

Their union colleagues, Janet Giles, Jan McMahon and other union leaders, have clearly stated that the Rann government is breaking its most fervent commitment of no more privatisations through its policy of public/private partnerships. Certainly, we agree with the notion that the Rann government is breaking its promises, but the Liberal opposition is a supporter of properly constructed public/private partnerships. The point I am making is that, if we are to tackle the infrastructure development problems of this state, we will need a minister capable of mobilising not only government capital works infrastructure—

The Hon. D.W. Ridgway interjecting:

The Hon. R.I. LUCAS: Well, a capable minister would be a start, but capable of mobilising public sector expenditure and also capable of mobilising private sector funding through public/private partnerships or, indeed, other developments, such as the Adelaide Airport redevelopment, which, as I said, is more than 95 per cent funded by the private sector anyway. The minister may well have other attributes, and I have listed one of them; but, sadly, he does not have the capacity or the willingness to put in the hard work to drive forward an infrastructure plan for South Australia.

It was one of the most inappropriate appointments made by Premier Rann. Frankly, when one looks at the portfolio of the member for Elder, he has got, other than in terms of what he should be able to do in infrastructure, virtually little else in terms of significant public sector departments reporting to him. He was sacked from the area of police for reasons that I have alluded to on previous occasions—and that story will come out at some stage. I understand people are already looking at the background to that particular decision by Premier Rann and others—being assisted by one particular member of the Labor Party, I might say.

In this area of infrastructure, it is critical that Premier Rann recognises he has made a mistake in relation to the appointment of the member for Elder as the Minister for Infrastructure and acknowledges that he is prepared to make a change and put anyone else in there to replace the member for Elder, so at least we might be able to start to make some progress in relation to the development of a state infrastructure plan. I thank my friends and colleagues on the backbench of the Labor Party for their assistance to my contribution to this important debate. I look forward to reciprocating on other occasions, and I strongly support the motion.

The Hon. J.S.L. DAWKINS: I support this motion and congratulate the mover on putting it forward. As I indicated to her when she put forward this motion, I had been planning a question or some other way of raising issues such as that. I thank her for putting it forward. I also support the comments of my leader. Despite some interjections trying to shake him off his line, he showed he is in as good a form as ever.

The Hon. R.K. Sneath: Do you get a tick on your report card for that?

The Hon. J.S.L. DAWKINS: Probably. Last year in September I attended the conference at Victor Harbor of the peak body known as Regional Development SA. The representatives of 13 regional development boards attended that conference. Initially, they asked the then minister for regional development to speak to their conference—which most people would think is reasonable. However, the then minister for regional development, who had been at a function about 50 kilometres away earlier in the day, was too busy to make the trip to Victor Harbor.

The keynote speaker for the Regional Development SA conference was actually the new Minister for Infrastructure, the Hon. Patrick Conlon. He talked at some length about how he would consult widely with regional authorities and organisations about their infrastructure needs, as well as make comprehensive visits to the various regions of the state. One of the things which the minister said during that speech and which will remain with me for a very long time was, 'The world is awash with cheap money'. That really does frighten the hell out of me, and it reminds me of some of the people who have been around in Labor governments in the past. It was extraordinary for a Minister for Infrastructure to talk about stuff like that in front of the people representing the 13 regional development boards across South Australia.

I would be interested to get some feedback as to the level of consultation that the minister has had with regional development and local government entities across South Australia, because my information is that it is almost nothing. I also would be interested in getting some feedback on the level of site visits that he has made to areas nominated by regional authorities and organisations as being in need of significant infrastructure funding. Again, I understand that that level has been almost nothing. So, he was fairly strong on words at Victor Harbor, he enjoyed looking out the window over the McCracken golf course while he talked to the delegates, but he has done nothing. He has given absolute lip service to the regional development boards in this state. I have a high regard for these boards. I think they do an enormous amount of work and they have very genuine concerns and wishes for their areas as far as infrastructure is concerned. This minister went to that conference and led them astray. I think he ought to be condemned for that. I hope that at some stage he does venture out of the city limits of Adelaide. I support the motion.

The Hon. J. GAZZOLA secured the adjournment of the debate.

EQUAL OPPORTUNITY (CARER'S RESPONSIBILITIES) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. KATE REYNOLDS: I want to make a brief comment in response to some of the questions raised by the Hon. Gail Gago in her second reading speech about the

definition of 'support', in particular a reference to a person being 'wholly or substantially dependent on another person for the provision of care and support'. Some of the sorts of caring tasks and responsibilities that carers undertake include assisting people with mobility, such as assisting someone who is frail or who has a physical disability to move around their home, to move out into the garden and to get in and out of cars. They might administer medications. They might cook and serve meals; do light, heavy or, in fact, all the housework for that person; assist with bathing or showering that person or have total responsibility for undertaking that for someone who is severely frail or disabled; and they might assist with dressing that person. Certainly, they provide emotional support. I think that is a given when you have someone who is wholly dependent on someone else.

Carers also do things such as organising social events or medical appointments and organising transport or even transporting the person for whom they care to and from these activities. Some people I know in the country area where I live every day arrange the transporting of a school-age child to and from school some 30, 40, 50 or 60 kilometres away. They maintain communication with other family members and extended family and friends, particularly for older people who are being cared for and who have a lifelong network of friends and family with whom they want to maintain contact.

Often carers put aside their own friendships and intimate relationships to care for a family member or for someone else with whom they have a close relationship. Certainly I have heard many stories about carers refusing recreational and social activities so that they can fulfil their caring responsibilities. Often they are unable to take up employment or educational opportunities. What they say to me is that they plan their lives around meeting the needs of the person for whom they care. For some people that might be one or two hours a day, for others that is a full-time role.

In relation to questions about the definition or the understanding of what a close personal acquaintance is, I will briefly relate a story about one particular carer. This is a woman who looked after a neighbour who lived just around the corner. She took it upon herself to start looking after that person: it was someone with whom she had had a neighbourly relationship but they were not necessarily close friends and they were not related by family. This woman helped this other woman to dress, she communicated with family members, she did the woman's shopping, cooked her meals, washed her clothes, cleaned her house, negotiated services, particularly health services and respite services for the frail aged woman and, in the end, she also organised that person's admittance to a nursing home for periods of time. While that person was in the nursing home, she looked after her home as well as continuing to look after her own home.

Following a hospital stay for heart treatment, the woman was asked whether a family member could take her home. She said, 'No, I do not have anyone who can do that.' When she was asked whether there was a neighbour, the woman who was in the hospital referred to this other woman who had been caring for her and helping her. If the Equal Opportunity Act amendment definition of 'carer' only included family members, this woman, a non-family member, could be discriminated against because of her caring role, even though she had become the key person caring for her neighbour. Whilst she was not close to the care recipient initially, she certainly became very close as a result of that caring role. She was acting as family in that regard. The relationship had deepened once the caring took place, so there was a relationship as a result of that caring.

As I hope members will understand, this is not just about financial support, and in many cases it is not about financial support at all. It is not just about moral or emotional support either. This is about practical assistance with the challenges and, for some people, the burdens of just getting through daily living. I refer members to a comment made by Rosemary Warmington, the CEO of the Carers Association (as many members would know) in an article in *The Graduate* magazine produced by the University of South Australia in which she said:

> Ten years ago people didn't talk about carers, even people who were carers didn't recognise themselves as that. . . I remember when awareness was so low that a prominent politician—

and an honourable member might find that he was this person—

> opening Carers Week called it Careers Week and didn't realise he had made a mistake.

We have come a long way but we still have plenty of work to do to recognise the importance of carers in South Australia. I remind members that there are more than 235 000 carers contributing (if members want to look at this in financial terms) $2 billion a year to the state's economy by keeping their loved ones, whether they be family or close personal acquaintances, out of hospitals and nursing homes.

I will not take up much more of members' time, but I put on record that the Democrats look forward to the government's introducing further changes to the Equal Opportunity Act following its community consultation process last year. It was indicated in the second reading speech that we would have those changes late last year, so I am assuming that we will get them some time this year, and that will provoke some useful debate. I also put on the record my thanks to all members for their support and cooperation in passing what will be my first private member's bill through this chamber. Lastly, I put on record my thanks to the Hon. Dr Bob Such, the member for Fisher, who has agreed to carry this bill through the other place.

Clause passed.

Remaining clauses (5 to 7) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

MEDICAL PRACTICE BILL

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

STATE PROCUREMENT BILL

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

PASTORAL LAND MANAGEMENT AND CONSERVATION (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That this bill be now read a second time.

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

Leave granted.

The State Government supports negotiations to address issues associated with native title claims in South Australia. Indigenous Land Use Agreements ('ILUA') are voluntary agreements provided for in the *Native Title Act 1993* of the Commonwealth. The negotiation of an ILUA is one way of clarifying the uncertainties which arise from native title claims and potentially conflicting rights in relation to land affected by native title claims.

The Government is pleased to continue working on the ILUA negotiations commenced under the previous government and acknowledges the groundwork on which current developments are based. Various negotiations involving pastoral lessees, the South Australian Farmers' Federation, native title claim groups, the Aboriginal Legal Rights Movement and others have been occurring for a number of years. This Bill builds on the experience of those negotiations and the Government would like to publicly acknowledge the assistance from these and other groups in developing this legislation.

In South Australia, apart from land owned through Aboriginal community freehold, the great majority of land area which has potential for native title rights to exist is land subject to pastoral lease. A series of court cases, including the South Australian De Rose Hill decisions, have confirmed that native title rights may co-exist with other land interests under pastoral lease. Since 1851 Aboriginal people have had rights set out in pastoral leases and legislation to travel across, stay on and conduct traditional pursuits on pastoral land. An ILUA on pastoral land can deal with the ways in which such rights or possible rights are exercised.

An ILUA cannot determine native title rights and interests; only the courts can do that. An ILUA can, however, deal with the practical issues associated with the co-existence of potential native title rights and other interests in the same land. An ILUA is a voluntary agreement and can, for example, provide a framework which might assist in better protection for Aboriginal heritage or diversification of land use, or deal with a range of non native title matters.

An ILUA also has the potential to contribute to reconciliation between Aboriginal people, pastoral lessees and the broader community and to building stronger Aboriginal communities.

There are a number of areas, tourism and conservation being perhaps the most obvious, where co-operative ventures between native title groups and pastoral lessees could be mutually beneficial.

The Bill makes a number of changes to facilitate ILUAs on pastoral land. In particular, it deals with the interaction of State and Commonwealth legislation, allows for recognition of the priority of interests of the traditional Aboriginal owners in undertaking traditional activities in an area and deals with the consequences of a new contractual relationship between ILUA parties.

The Attorney-General has recently signed, on behalf of the State, an ILUA involving the Yankunyjatjara Antakirinja native title claim group and the lessees of the Todmorden pastoral lease near Oodnadatta. The signing ceremony on Todmorden in mid March was also attended by the Minister for Aboriginal Affairs and Reconciliation and the Shadow Attorney-General and many other guests. Parts of this Bill reflect the outcome of the Todmorden agreement and are necessary for that agreement to be registered and achieve its full implementation.

While this Bill facilitates ILUAs over pastoral land, it does not need to set out any requirements of an ILUA because these are dealt with in the *Native Title Act 1993* of the Commonwealth or are left to the parties involved to agree.

The Bill allows the terms of an ILUA to modify or limit access (and other) rights on pastoral land under section 47 of the *Pastoral Land Management and Conservation Act*. Historically, pastoral leases and the principal Act allowed all Aboriginal people the same rights to access any pastoral land. This may have been inconsistent with traditional Aboriginal law and custom which was at times based on very strict territorial rights and restrictions. These access rights, however, did recognise the impacts of European colonisation, which resulted in displacement of Aboriginal people from land used for agriculture and other intensive uses. Traditional law and custom could still operate to limit the practical effect of such rights.

It is generally expected that, in accordance with traditional law and custom, an ILUA will recognise priority rights for the native title groups over the relevant pastoral land, compared with Aboriginal people from other communities. Unless section 47 of the principal Act is modified, it is not possible to have an ILUA registered under the *Native Title Act 1993* of the Commonwealth where any such priority is proposed because of the inconsistent rights which would exist.

For example, most ILUA are likely to manage Aboriginal access on pastoral land in some way. This may involve a process of notification through representatives of the native title group and a pastoral lessee. Such a process cannot work if section 47 continues to allow effectively unrestricted access. A system of access rights managed through ILUA parties will provide a level of comfort and certainty which does not exist at present for any of the parties. Notice of activities can assist both parties in maintaining a level of privacy. An ILUA can also introduce some flexibility in covering non-Aboriginal spouses, for example.

It is recognised that the ability to modify section 47 in an ILUA might result in a reduction of rights for Aboriginal people who are not included as a party to the ILUA. There are, however, significant protections:

- any proposed ILUA is subject to objection during an extensive period of public consultation;
- a native title party can negotiate access for Aboriginal persons outside the group as part of an ILUA;
- the general rights of the public under section 48 of the Act will be available to Aboriginal people; and
- the State must be a party to any such ILUA and can respond to any concerns.

An ILUA can not affect matters such as persons undertaking work for a pastoral lessee or access for government officers as this does not relate to section 47 access.

The Bill also provides that future lessees of the land will be bound by an ILUA, in the same way that an ILUA binds all future native title holders or claimants under the *Native Title Act 1993* of the Commonwealth.

The Bill also provides some flexibility regarding boundaries of an ILUA. In many cases the fences of a pastoral lease do not correspond to lease boundaries. The Bill allows an ILUA to cover the fenced area where this extends beyond the lease boundary and provides appropriate protection for the adjoining lessees involved.

The Bill provides in the proposed new section 46B some protection for the parties in terms of civil liability. Under section 47 it is clear that pastoral lessees and Aboriginal people exercise independent rights. Depending on the wording of an ILUA, it might result in Aboriginal people being seen at law as invitees of a lessee. This could result in additional obligations on a lessee to manage the potential risks associated with traditional pursuits. The Bill covers this by providing that a party to an ILUA cannot be liable for harm caused to third parties by another party to the ILUA. Overall, an ILUA can be expected to generally reduce risks of harm because of the increased information flow between the parties about their activities and the development of co-operative arrangements. The Bill also allows ILUA parties to negotiate their own arrangements relating to liability between themselves.

The Bill also offers protection to ILUA parties relating to trespassers on pastoral land. The difficulties of knowing who is allowed on pastoral land and of regulating access, combined with increasing numbers of visitors to outback areas causes potential liability risks. With the better management of access expected under an ILUA, the Government considers that it is appropriate to provide increased protection for ILUA parties by generally making trespassers responsible for their own safety on land under an ILUA.

The Bill also addresses issues related to general public access. These measures aim to remove inconsistencies between matters agreed in an ILUA and current public access rights. For example, an ILUA might result in a pastoral lessee agreeing to restrictions to areas of special cultural significance to the native title group. The Bill provides for similar restrictions to be applied to other members of the public entering the lease under section 48 of the principal Act.

The Bill provides for a public register to ensure that the effects of an ILUA on access to a pastoral lease can be readily discovered. This will include basic ILUA information plus material relevant to members of the claim group (need to give notice, for example), other Aboriginal people (need for approval from native title group or other access options, for example) and general public (any limits on current rights and the liability changes affecting trespassers, for example).

The Bill incorporates the provisions of section 17A of the *Summary Offences Act 1953* relating to trespassers on pastoral land. These provisions are currently available to pastoral lessees but are extended so a native title group and pastoral lessees that are parties to an ILUA both have the same opportunity to prevent trespassers interfering with their own and the other party's activities.

The Bill demonstrates the Government's commitment to assisting pastoral lessees and native title groups negotiate agreements related to their respective activities on pastoral lands.

The Bill now includes a number of provisions relating to ILUAs as a result of consultation on the original Bill and amendment in the House:

(a) the definition of native title group has been clarified to distinguish the persons or body actually signing an ILUA and the individual members of a native title group;

(b) the Bill now requires endorsement of an ILUA on the pastoral lease to ensure that prospective purchasers or other interested persons have notice of the ILUA;

(c) the Bill provides a power for authorised persons to give directions to persons exercising public access rights on a pastoral lease to give effect to restrictions set out in an ILUA under proposed section 48(2a) and creates an offence for failing to comply with such a direction.

The Bill now also includes a number of provisions relating generally to pastoral leases as a result of amendment in the House. These amendments provide for a number of changes to assist in the administration of the Act. The main changes are:

(a) all of the conditions and reservations set out in section 22(1) of the Act are to be taken as conditions of existing pastoral leases covering the situation which arose when the leases existing on commencement of the Act were extended in the transitional provisions, rather than new leases being granted;

(b) the Pastoral Board will have a clear power to authorise change of land use for non-pastoral activities or set aside pastoral land for conservation or traditional Aboriginal pursuits or other non-pastoral activities;

(c) pastoral land condition assessments will occur at intervals of not more than 14 years, the process for completion of pastoral lease assessments will be clearer and a number of anomalies relating to the extension of pastoral lease terms are removed;

(d) the Pastoral Board will have a clear power and a simpler process under the Act to authorise sub-division or amalgamation of pastoral leases;

(e) the reporting date for Annual Stock Returns changes from 31 March to 30 June.

One important matter dealing with the way in which pastoral lease assessments are conducted was left to be dealt with by amendment in the Council following further consultation.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clause are formal.

Part 2—Amendment of *Pastoral Land Management and Conservation Act 1989*

4—Amendment of section 3—Interpretation

This clause inserts a number of definitions into section 3 of the principal Act.

5—Amendment of section 4—Objects of this Act

This clause makes a minor technical amendment.

6—Amendment of section 5—Duty of the Minister and the Board

This clause inserts a new paragraph (c) into section 5 of the principal Act requiring the Minister and the Board to have regard to the relevant terms of an ILUA when administering the principal Act, or exercising a power or discharging a function under that Act.

7—Repeal of section 6

This clause repeals section 6 of the principal Act.

8—Amendment of section 20—Assessment of land prior to grant of lease

This clause inserts a new subsection (2) after the present contents of section 20 of the principal Act (which is now subsection (1)). To avoid unnecessary expense, the measure allows the Minister to grant a pastoral lease without an assessment having first been made under new subsection (1)(b)(ii) if such an assessment has been made within the previous 14 years.

9—Amendment of section 22—Conditions of pastoral leases

This clause makes a technical amendment by deleting subsection (1)(a)(i) and (ii) of the section. The clause also extends the lessee's obligation not to hinder certain persons to a person attempting to exercise a right of access to land under the principal Act or other Act.

The clause also provides that a condition or reservation referred to in subsection (1)(a), (b) or (c) will be taken to be a condition or reservation of all pastoral lease, whether granted before or after the commencement of the subsection.

The clause further provides for new subsections (5), (6) and (7), which allow the Pastoral Board to approve certain activities of lessees, and to set aside pastoral land for certain other uses such as conservation and Aboriginal pursuits.

10—Substitution of sections 25 and 26

This clause inserts new sections 25 and 26 into the principal Act. Proposed section 25 relocates the provisions relating to assessments formerly located in section 6 of the principal Act, and expands on those provisions to require the Board to forward copies of assessments and reports of proposed action to lessees. The measure also prevents the Board from taking action consequential to an assessment until 60 days have passed (in order to encourage dialogue between the Board and the lessee regarding the assessment) and the Board has considered any comments the lessee has made during that period.

Proposed section 26 clarifies the extension of the term of pastoral leases. The Board may vary land management conditions of a pastoral lease to take effect on the date or dates specified in the notice (and, if a property plan has been approved in respect of the pastoral lease, the variation must accord with the terms of the plan). Such variations must be accepted by the lessee.

The Board must, by notice in writing given to the lessee within 12 months after the completion of the most recent assessment, either extend the lease (if there is no variation of conditions) or offer to extend the lease (if there is a variation of conditions).

If an to extend the lease is made, the offer is subject to the condition that the lessee accepts the lease conditions as varied within 12 months after receiving the offer. If the lessee does not accept the lease conditions as varied within that period the offer is withdrawn.

The clause also enables the Board to, in certain circumstances, extend the term of a lease (either on application by a lessee or of its own motion) to 42 years, and defines when an assessment is completed.

11—Insertion of section 31A

This clause provides that the Minister may excise land, or a part of land, subject to a pastoral lease and transfer the land, or the part of land, to another lease and may also alter the boundaries of the leases accordingly. The Minister may vary the rents or land management conditions of the leases to reflect the changes. However, the Minister may only do so on the recommendation of the Board, and at the request or with the consent of the relevant lessees. A boundary alteration under his clause takes effect upon registration by the Registrar-General.

12—Amendment of section 42—Verification of stock levels

This clause amends the date on which a lessee must furnish the Board with a statutory declaration as to stock levels to 31 July of each year (with the stock levels measured as at 30 June of that year).

13—Insertion of Part 6 Division 2A

This clause inserts a new Division 2A into Part 6 of the principal Act. This Division inserts new sections 46A, 46B and 46C. New section 46A provides that an ILUA is binding on the current lessee of pastoral land, whether or not that was the person with whom the ILUA was made. The new section 46A also enables an ILUA to be made in relation to certain land contiguous to a pastoral lease.

New section 46B confers certain immunities from civil liability in relation to parties to an ILUA, and provides that an ILUA can modify the duty or standard of care required of a party to an ILUA, and may also limit one party's liability as against another party.

New section 46C requires an ILUA to be endorsed on a pastoral lease (and no stamp duty or fee is payable in respect of the endorsing).

14—Amendment of section 47—Rights of Aboriginal persons

This clause amends section 47 of the principal Act to allow an ILUA to confer or modify certain rights relating to Aboriginal access under the section.

15—Amendment of section 48—Right to travel across and camp on pastoral land

This clause amends section 48 of the principal Act to allow an ILUA to confer or modify certain rights relating to public access under the section, and also requires action taken under the section to be consistent with relevant terms of an ILUA in force in relation to pastoral land.

The clause also enables an authorised person, defined by the clause, to give certain directions for the purposes referred to in subclause (2a), and creates an offence of failing to comply with such directions. The clause also contains an evidentiary provision relating to an authorised person.

16—Insertion of sections 48A and 48B

This clause inserts new section 48A, which requires the Minister keep a public register in relation to certain matters. The clause also inserts new section 48B, which confers on an authorised person similar powers to those contained in section 17A of the *Summary Offences Act 1953* relating to trespassers. The definition of ***authorised persons*** includes the lessee, the native title group and certain other persons.

Debate adjourned.

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

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

ADJOURNMENT

At 9.56 p.m. the council adjourned until Thursday 27 May at 11 a.m.