LEGISLATIVE COUNCIL

Thursday 11 November 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

VOLUNTARY EUTHANASIA

The Hon. M. PARNELL: Presented a petition signed by 3,512 residents of South Australia concerning voluntary euthanasia. The Petitioners pray that this honourable house will enact voluntary euthanasia legislation.

BURRA HOSPITAL

The Hon. T.A. FRANKS: Presented a petition signed by 571 residents of South Australia requesting the council to urge the Minister for Health, Hon. John Hill MP, to establish an independent inquiry to reassess health services in Burra and restore an attending doctor accidents and emergencies at Burra Hospital as quickly as possible.

PAPERS

The following papers were laid on the table:

By the President—

City of Port Lincoln—Report, 2009-10

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Reports, 2009-10—

Adelaide Entertainment Centre
Auditor-General's Department, Operations of
Claims Against the Legal Practitioners Guarantee Fund
Gaming Machines Act 1992
Independent Gambling Authority
Surveyors Board of South Australia
TransAdelaide

Club One (SA) Ltd Financial Report, 2009-10

Distribution of Funds among Community, Sporting and Recreational Groups, Gaming Machines Act 1992—Report, 2009-10

By the Minister for State/Local Government Relations (Hon G.E. Gago)—

Reports, 2009-10—

Adelaide Festival Centre
Barossa and Districts Health Advisory Council Inc.
Berri Barmera District Health Advisory Council Inc.
Ceduna District Health Services Health Advisory Council Inc.
Child Death and Serious Injury Review Committee
Department for Families and Communities
Department of Water, Land and Biodiversity Conservation
Food Act 2001
Health Performance Council
Kangaroo Island Health Advisory Council Inc.
Loxton and Districts Health Advisory Council Inc.
Port Augusta, Roxby Downs and Woomera Health Advisory Council
Port Lincoln Health Advisory Council Inc.
Renmark Paringa District Health Advisory Council Inc.
South Australian Housing Trust
Stormwater Management Authority
Supported Residential Facilities Advisory Committee
The Council for the Care of Children

Commission of Inquiry, Children in State Care—Allegations of Sexual Abuse and Death from Criminal Conduct—Second Annual Report by the Minister for Families and Communities

FORESTRYSA

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:22): I table a ministerial statement relating to a regional impact statement on ForestrySA forward harvests made today the Deputy Premier.

HIGH COURT DECISION, TOTANI

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:22): I table a ministerial statement relating to the High Court ruling on serious and organised crime law made by the Attorney-General.

QUESTION TIME

PLANNING AND LOCAL GOVERNMENT DEPARTMENT CONSULTANCIES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question in relation to the Auditor-General's Report and the answers he provided yesterday in the examination of that report.

Leave granted.

The Hon. D.W. RIDGWAY: In yesterday's examination of the Auditor-General's Report, I asked a number of questions. I was interested in consultancies and the consultants that have been employed by the Department of Planning and Local Government, in particular, the consultancy the minister identified as having been awarded to Ernst & Young for between $10,000 and $50,000. What sparked my interest was the answer, or the lack of answer, by the minister, as follows:

> [This consultancy was to] develop an activity-based costing model to enable the department to better analyse the resource effort and costs associated with the provision of certain services.

I have read that a number of times, and I am unable to understand exactly what the minister meant. Can the minister translate that into English but also, more importantly, will he inform the house exactly what the certain services are that will better analyse the resource effort and the costs associated with the provision of those services?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:25): I thought I indicated yesterday that the Department of Planning and Local Government is a new department. It was established only two years ago, and it came about as a merger of local and state government and what was formerly Planning SA. Because it was a newly created department, I support the decisions of the management of the department in getting external advice. As the honourable member said, it was a relatively low value consultancy. I support the department in getting advice in relation to its technical operations. As to the exact descriptions, I am happy to seek further information from the department.

Members interjecting:

The Hon. P. HOLLOWAY: Well, do you really think—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, I don't. Do these people opposite really think that ministers go through every single account that is in the department? I have four departments. Do you really think that we should be going through every single account? I can assure you that we look very closely at the bigger ones. If the department decides that it will get external advice from financial consultants in relation to setting up a new department, then that is fine by me. It is not a large amount of money. In relation to that matter, obviously the department is going—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not asleep at the wheel. I mean, come on! What a comment from the former treasurer, where they spent $116 million on consultants to help them sell the electricity trust. Here, we are not talking about $120 million, or something of that order; that was 10 years ago, and it would be the equivalent of $200 million or $300 million in today's values. We

are not talking about that; we are talking about a relatively minor amount in relation to a consultancy to get some advice. The Department of Planning and Local Government, like other departments, seeks external consultants occasionally to have a look at their operations, and so they should.

The Hon. Mr Lucas has not only been party to extensive privatisations, as he was with the electricity trust, but in elections he has also advocated in terms of reducing the number of public servants. Well, clearly, if one is to have an efficient Public Service it is important that we should have, where appropriate, external advice.

The Department of Planning and Local Government is a relatively small department comprising fewer than 200 employees and, on its establishment, it did not have all the extensive financial and human resources background that other larger departments might have. Given that it is a new department, it is appropriate that it should choose to seek advice from consultants in relation to the necessary provision of services.

LOCAL GOVERNMENT ELECTIONS

The Hon. J.M.A. LENSINK (14:29): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about local government candidates.

Leave granted.

The Hon. J.M.A. LENSINK: The Local Government Association has called, at its upcoming AGM, for the state government to amend the Local Government Act to require candidates in local government elections to publicly register their involvement and/or association in a political party or professional body, and has previously recommended that political staffers be banned from standing for local government office. The upcoming resolution is based on a previous resolution from an LGA meeting. My questions are: does the minister support either of these measures; and what representations have been made to the minister by the LGA seeking amendments to the Local Government Act?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:30): I presume that the second part of your question is in relation to those particular matters that came out of the last meeting. In April there was a general meeting of the LGA and they resolved to call on the LGA to consider supporting an amendment to the Local Government Act that would prevent a person from being a member of council if they were employed as a ministerial officer or parliamentary adviser or an electorate officer for the state or federal member of parliament.

As I have said in this place before, I am not convinced that it is necessary or justifiable for us to take that step to remove the right of people who work in the office of any member of parliament to participate as members in their local council. I am already on record as saying that I believe that the banning of any particular group from running for councils in this way risks chipping away at grassroots democracy.

These people are often real activists in our community. They are interested, very active in community networks and real community contributors, and I fail to see that they should be disadvantaged from participating in local government. I believe that they have just as much right as anyone else to put themselves forward and then let democracy prevail. In saying that, in terms of candidates' political affiliations in the context of the current local government elections, there has been some media coverage about the issue of party political affiliations of candidates.

Political parties in SA do not generally endorse candidates for council elections, although I understand that this year the Port Adelaide branch of the Greens is officially backing three candidates in various wards for the Port Adelaide election, but here in South Australia that generally is the exception rather than the rule, unlike in many other states where candidates are very strongly political party aligned. That, generally speaking, has not been the trend here. That might have something to do with the fact that our elections are also voluntary.

Some analysts do interpret the fact that we have voluntary rather than compulsory elections as affecting that sort of alignment in elections. Many might see that as positive; others might not, but generally I think it is a positive thing. The LGA AGM in October 2010 considered a motion from Campbelltown council that candidates be required to publicly declare in their

nomination any membership of a political party in the preceding two years, and there has been some further debate and discussion around that in the media from time to time.

Candidates can now of course volunteer information about their political and other affiliations in their candidate profile or statements. Once elected, council members are currently required to disclose for the public register their interests and a wide range of personal matters, including the name of any political party, any body or association formed for political purposes or any trade or professional organisation of which they are a member. This ensures that the political and other affiliations of council members are known—that is, their particular interests, I guess. The particular stance that they might take on various subjects and issues would be then well known. They are then in a position to make decisions that affect the community.

Following some debate, that LGA AGM resolved to petition the state government to amend the Local Government (Elections) Act to include a requirement that all candidates in local government elections must declare in their nomination any interests, consistent with the interests elected members are required to disclose for the register of interests under the Local Government Act, including membership of professional bodies, political parties, etc.

There will be time to consider an appropriate approach to this issue before the next local government elections in 2014 and, once elected, council members are required to disclose certain information about pecuniary and other interests which they or members of their family have in place, including things like investments, properties and debts, etc.

As far as I am aware, no other state has taken the approach of requiring candidates for local government, who are not yet in a position to make decisions on behalf of the community, to make those sorts of public disclosures of their financial affairs and, even when elected, council members are now only required to disclose current memberships of professional bodies and political parties. I am not ruling out options for improving legislation designed to prevent personal interests from interfering with the validity of council decision-making, but I certainly think ad hoc changes made without proper evaluation are not likely to produce those intended consequences.

In terms of the AGM of the LGA, the issue there was about amending the Local Government Act to prevent a person from being a member of a council if they are employed in a minister's office, etc. To the best of my knowledge, I have not received any communication from the LGA in respect of that. I would expect to be hearing from them. I meet with them roughly every four to six weeks and I would imagine that that will be an agenda item at that particular meeting, so I will be expecting to talk with the LGA about that. But at this point in time I do not believe I have heard from them or, if I have, I have not seen that particular piece of correspondence, that I can recall.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:38): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to the Burnside council.

Leave granted.

The Hon. S.G. WADE: Yesterday in answer to a question on Burnside council, the minister advised this council that Mr John Hanlon had no role in constructing the terms of reference of the Burnside investigation and no part in the investigation conducted by Mr Ken MacPherson. Mr Hanlon was a former chief executive of the Burnside council and is currently an officer in the Office for State/Local Government Relations. My questions are:

1. What role did John Hanlon have in relation to the Burnside council investigation?

The Hon. G.E. Gago interjecting:

The Hon. S.G. WADE: I would encourage the minister to be careful in her answers.

2. Specifically, did he advise the minister or her predecessor on the need for an investigation into the Burnside council?

3. Specifically, did he undertake interviews with parties to the conflict, and at which stage of the process did those interviews occur?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:39): I have made my position very clear in respect of discussing further matters relating to Burnside council. I have made it very clear that I have received advice that it would be most improper of me to be discussing matters that are before a

court, matters that may be part of those court proceedings or matters that might relate to those court proceedings. I have already made that very clear.

Questions were asked about Mr John Hanlon's participation in the Ken MacPherson investigation. I made the point that as an exception I would clarify that he did not have any role in that investigation. I have cleared the record and made a very clear statement about that, and I do not intend to make any other statements whatsoever in relation to matters that may relate to court proceedings currently being conducted.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:40): By way of supplementary question, assuming that the minister has not received legal advice since yesterday, why did she offer advice as to the role of John Hanlon yesterday and is not willing to clarify it today?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:41): It beggars belief! I am not too sure whether the honourable member has a hearing impediment or is just a bit slow today. I have made it very clear and given my reasons, and I have no intention whatsoever of adding any further comment that may pertain to matters currently before the court.

The honourable member is supposed to be a member of the legal profession, so it just beggars belief that he does not understand the very basic premise of respecting the court and allowing that process to take place, in no way interfering or making statements that may prejudice or put a bias on matters before the court. The honourable member should know that. I have sent him an elementary legal textbook as a gift for him to brush up on some of these basic principles; he obviously has not had time to read it yet, but the principles are very basic and elementary, and he would have done it in legal studies 101.

BURNSIDE COUNCIL

The Hon. M. PARNELL (14:42): By way of supplementary question, will the minister send that preliminary basic textbook to the new Attorney-General so that he understands what was wrong with the bikie laws?

Members interjecting:

The PRESIDENT: Order!

HIGHBURY AQUEDUCT LAND

The Hon. CARMEL ZOLLO (14:43): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding the old aqueduct land at Highbury.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that in 2006 an additional 51 hectares of land was added to the River Torrens Linear Park as a result of the government's decision to build a new $21.5 million pipeline to replace the Torrens Valley aqueduct system originally constructed in the late 1870s. The new pipeline has secured water supply for more than 85,000 households in Adelaide's north-eastern suburbs, while providing an opportunity to retain the existing aqueduct land in public ownership for future generations. Now that the new pipeline is carrying water from the vicinity of Gorge Weir on the Torrens River to the Hope Valley reservoir to replace about 4.5 kilometres of open channels, pipes and tunnels, will the minister please provide an update on what is happening with the more than 50 hectares of land added to the River Torrens Linear Park?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:44): I thank the honourable member for her timely question. I announced 14 months ago my decision to establish the Highbury aqueduct land consultative committee to consider the management of the old aqueduct land at Highbury. This four-member consultative group, ably led by the member for Newland, Tom Kenyon, has spent the intervening time investigating how to ensure that the aqueduct reserve can be incorporated into the River Torrens Linear Park in a way that provides a highly valued asset to the local community.

I am pleased to inform members that in the past week the member for Newland has begun to distribute a quality concept plan for the future management of this important reserve. Now that

the consultative committee has agreed on a way forward, it is time for the committee to have its input in terms of upgrading the former South Australian water department aqueduct land. The plan envisages a development of the reserve in four stages that will provide better community access, reduce bushfire risk and better integration with the River Torrens Linear Park.

The government's purchase of the aqueduct land provides a wonderful opportunity to better manage this reserve in a way that preserves the natural bushland setting, while providing a network of trails and open space for use by the South Australian community and, in particular, the local community of Highbury. With an allocation from the Planning and Development Fund, the government hopes to develop the reserve during the next few years in a way that will also allow for better bushfire management.

While this land was off limits to the public while it was used to convey drinking water along the aqueduct, the construction of the underground pipeline mentioned by the Hon. Ms Zollo means this area of bushland can be opened up for the community's enjoyment. As I said previously in my answer, coloured maps of the concept plan are being distributed throughout Highbury and surrounding suburbs through a mail-out coordinated by the chairman of the Highbury Aqueduct Land Consultative Committee.

This committee welcomes feedback, with submissions to be lodged by 15 November (which of course is next Monday), so the staging of this project can be finalised and work begun as soon as possible on improving the reserve. In the meantime, an interim fire management plan has been put in place that includes hazard reduction such as slashing long grass and a comprehensive assessment and strategy for the staged removal of potentially dying and dangerous trees. Priority will be given to pruning or removing any trees that might be considered to compromise the safety of the reserve and neighbouring properties.

SEAFORD HEIGHTS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (14:46): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding the Seaford Heights development and the Willunga Basin.

Leave granted.

The Hon. R.L. BROKENSHIRE: Two Sundays ago, there was a very large attendance of primarily local people who rallied and convoyed to the Paxton winery adjacent to the Seaford Heights development land, loudly protesting about the fact that they do not believe they are being heard by the government. My questions are:

1. Given the concerns that the community continues to highlight appear to be falling on deaf ears, will the minister agree to a moratorium on the further development of stages 2 and 3? That is, advise the house they are looking at approving one single plan of 77 hectares, whereas we were advised that it was a staged development, with only stage 1 being in any possible contractual situation with the developer.

2. When will the minister meet with Mr Dudley Brown, the chair of the Grape, Wine and Tourism Association, to discuss the concerns of over 500 grape growers, as has been requested—and to this point, I am advised, you have not had time or been available to meet, minister?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:47): In relation to the latter question, I met Dudley Brown last week; I think it was last Thursday. So, I have, in fact, had time to meet him. He did actually come in for a meeting here at Parliament House on the day we were discussing the budget and, unfortunately, because I was dealing with matters in relation to the Statutes Amendment (Budget 2010) debate on that Thursday, or the day we dealt with it two or three weeks ago, I was unable to attend the meeting with other ministers, but I did arrange for Mr Brown to come into my office last week, and he did so. It was a very useful meeting also with the member for Mawson and Jim Hullick, another former head of the Local Government Association and a person with a strong interest in that region. So, I have had that meeting.

In relation to the staging issue, as Minister for Urban Development and Planning, it is my role to have jurisdiction over the development plan amendment for the area. The staging of development or how that progresses really is a matter for the developer. As I say, as I understand

it, Fairmont Homes has entered into some agreement with the Land Management Corporation into what the future use of that land might be.

Any jurisdiction that I have, if and when I formally take over the development plan amendment, will simply be to oversee the rezoning of the 77 hectares of land at Seaford Heights. What happens in relation to the development is really not a matter for me. Obviously, it is a matter for the developers, and that is a question I would have to refer to the appropriate minister because, as I said, I have no jurisdiction over what will happen, other than the planning stage of it.

I noticed in the *Sunday Mail*, a week and a half back, that the letter of the week was given to one of the honourable member's colleagues, Bob Day. Bob Day, in that particular article in the *Sunday Mail*, widely criticised the LMC for not making enough land available. His comments were that housing in this state was too expensive because the LMC and other bodies were not making land available at the right price for the community.

I think the honourable member should talk to his colleague in Family First and work out exactly what their views are on this matter. How can you have it both ways? On the one hand, the letter of the week from the prominent Senate candidate for Family First is arguing that there should be more land put on the market to keep housing cheap, and then on the other hand the Hon. Mr Brokenshire is arguing that we should put a moratorium on developments. I think there is a little bit of inconsistency there.

DOMESTIC VIOLENCE

The Hon. I.K. HUNTER (14:51): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the launch of *Domestic Violence: Handbook for Clergy and Pastoral Workers*.

Leave granted.

The Hon. I.K. HUNTER: All of us in this chamber know of the minister's ardent commitment to educating South Australians about domestic violence. The minister has told us time and time again in this place of the government's efforts to stamp out domestic violence, and it is axiomatic that she has been driving that agenda. She has told us in this place time and time again how we all have a role in standing up against this scourge in society. I ask the minister once again to remind us about this issue and to perhaps advise us what other groups in the community are doing in this campaign, particularly churches and faith groups.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:51): I thank the honourable member for his most important question and his ongoing interest in this particular issue. This morning I had the great pleasure of attending the launch of *Domestic Violence: Handbook for Clergy and Pastoral Workers*. Archbishop Philip Wilson, chair of the South Australian Heads of Christian Churches, officially launched this very valuable resource. I was particularly pleased to attend the event because I think collaboration between Christian churches and government and non-government agencies is very important, particularly when dealing with an issue like domestic violence, which can affect really any part of our community whatsoever.

For many people who are suffering, the church, or their local priest or pastoral worker, is often the first port of call for help and assistance and guidance. This new handbook is designed to increase the understanding of clergy and pastoral workers about domestic violence and abuse and to support them in responding to individuals and families in the community. During recent months, the South Australian Council of Churches, in conjunction with church welfare organisations and government community workers, has facilitated the writing of this excellent handbook.

The handbook focuses on the safety of victims and provides a guide to the different types of violence that can occur. It points out that, in addition to physical violence, abuse can be spiritual, psychological, sexual, social or economic. It was very pleasing to listen to Archbishop Philip Wilson speak this morning, and it is clear that he is committed to assisting clergy and other pastoral workers across the churches to be better able to respond to women and families experiencing domestic violence.

I was particularly moved to hear a young mother speak at this morning's event. It took a lot of courage for her to get up in front of an audience to share her personal story about domestic violence and that of her young children. We heard about a very trying and unsupportive experience that she had had initially with her church, when she was heavily pregnant and needed support and

help. She shared that part of the experience with us, but then she went on to talk about the very positive support that she has since received elsewhere in the church and how that has been critical to her safety and wellbeing and that of her children and also to her own personal healing process.

This young woman described her very difficult personal circumstance and experience articulately and with tremendous dignity. There is nothing more powerful than listening to personal stories such as this to help others appreciate the complexity of domestic violence and the fundamental importance of women and children being believed and supported when they are experiencing domestic violence or abuse.

I was also very impressed with the speech made by a male domestic violence worker who was instrumental in initiating the preparation of this handbook. He described seeing in his work a number of women who felt pressured to stay in violent domestic relationships due to their Christian values. This highlighted to him and others who work in the field that further work is needed to increase understanding within Christian communities and to support better and more appropriate responses to the individuals and families concerned.

The partnership that has created this valuable handbook is very positive and will advance the community's commitment to end violence against women and children. I commend the South Australian Council of Churches, in particular Archbishop Philip Wilson, for their important role in this work.

WATER FLUORIDATION

The Hon. A. BRESSINGTON (14:56): My questions are to the minister representing the Minister for Water and relate to sodium fluoride. Can the minister provide an explanation of the scientific processes that show that the concentration of one part per million of sodium fluoride is a safe level for human consumption, and who was responsible for determining this?

Can the minister provide the council with the documentation showing that sodium fluoride has been evaluated and approved as safe for human consumption? Given that dentists and doctors once advocated that smoking was beneficial for health, is it not possible that they have also got it wrong about artificial fluoridation? Can the minister provide the council with any briefs submitted to him by the Department of Health on water fluoridation?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:57): I thank the honourable member for her questions and will refer them to the Minister for Water in another place and bring back a response.

WEAPONS AMNESTY

The Hon. J.S.L. DAWKINS (14:57): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Police, a question about a broader weapons amnesty.

Leave granted.

The Hon. J.S.L. DAWKINS: The leader may recall that on 26 May this year I asked him to consider a weapons amnesty that would be broader than the Rann government's previous gun focused amnesty. My suggestion was made in light of the Victorian weapons amnesty which was announced in April 2010 and which resulted in more than 800 weapons being handed in, including machetes, swords, hunting knives, butchers' knives and flick knives.

The Australian Bureau of Statistics 2008 Victims of Crime Report indicates that knives are the most prevalent weapons used in the categories of murder, attempted murder, kidnapping, abduction and robbery. Indeed, the RMIT University criminologist Associate Professor Julian Bondy recently has warned again that the weapon of choice for many is now the knife. In response to my question, the leader indicated that he would convey my concern to the Minister for Police or the Police Commissioner for consideration and response. My questions are:

1. What was the response from the Minister for Police and/or police commissioner?

2. If there has not been a response, will the Leader of the Government undertake to make further representation and report back with a response before the end of the sitting year?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:59): I am happy to again refer that matter to the

Minister for Police. Generally speaking, I know from my time as police minister that the government acts on the advice of the police commissioner in relation to such matters. Obviously, the effectiveness or desirability of such a measure will depend on the police assessment of the scope of the problem and their capacity to deal with any amnesty. However, I am happy to refer that matter to the—

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

The Hon. P. HOLLOWAY: Well, I guess it really is up to the police commissioner in relation to this matter; he is responsible for the resources of the police department. I am sure the police commissioner does have these from time to time, and he may well be considering the matter. I am not aware of any response to it, but I am certainly happy again to take up the matter with the police minister and try to get a response for the honourable member.

MINING INDUSTRY

The Hon. B.V. FINNIGAN (15:01): My question is to the Leader of the Government and Minister for Mineral Resources Development. Considering that when this government came to office more than 8½ years ago there were only four operating mines, can the minister provide advice on how the outlook for mineral investment in this state has improved under this government's supportive policies?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:01): I thank the honourable member for his very important question. South Australia's mineral resource industry had indeed been languishing when this government came to office in 2002, and steps were needed to create an investment climate that encouraged spending, exploration and mine development.

Since the plan for accelerating exploration was adopted in 2004, the investment in exploration in this state has climbed from $40 million a year to well above the $100 million we set ourselves in the South Australian Strategic Plan. Mine development has also been encouraged with PIRSA's one-stop approach to assessment and regulation of mineral leases. Annual mineral production exceeded the government's $3 billion target in calendar year 2009. By adopting these initiatives in an uncertain world, the South Australian government has provided a stable environment for companies making long-term and high-risk investments in the resources sector.

I am pleased to inform members that in just the last few weeks Hillgrove Resources approved the final investment decision on its 2 million tonne a year Kanmantoo copper gold mine in the Adelaide Hills. Initial construction work is expected to have already begun, making Kanmantoo the second metal mine to proceed in the Mount Lofty Ranges since the Rann government came to office. This follows on the heels of the opening in 2008 of Terramin's Angas zinc project near Strathalbyn.

Hillgrove, an Adelaide-based resource company listed on the Australian Stock Exchange, has decided to resume mining at the Kanmantoo site, which had previously operated until the mid-1970s. The decision by Hillgrove to go ahead with the Kanmantoo copper gold mine is great news for the South Australian economy. The project, which is located between Kanmantoo and Callington, will provide a significant boost to the local community, with the potential to generate more than 150 new jobs and the injection of $55 million a year into the South Australian economy.

I would also like to acknowledge the efforts made by Hillgrove to work closely with local community members and interest groups to develop its project. Formal community meetings have been held since mid-2005, and the Kanmantoo Callington Community Consultative Committee (KCCCC) has identified a range of issues, such as native vegetation, transport routes and water usage and their effects on the local communities that are being addressed by Hillgrove Resources as it develops this mine.

Many of the recommendations put forward by the community, as well as the company's responses, were used as a basis for development of the Mining and Rehabilitation Program (MARP) approved by PIRSA and to be implemented by Hillgrove. During the community engagement process, a number of high-risk issues were identified, such as those I have indicated. One such risk management technique led Hillgrove to enter into a memorandum of understanding with the District Council of Mount Barker for the council to supply water from its effluent treatment facility for mining operations, and Hillgrove proposes to process this water for reuse at the mine site.

The Adelaide Hills and areas to the north and south of Adelaide are part of a geological region of the state recognised as having a very high endowment of metals, precious metals and other mineral deposits and extractive resources. There is a historical perspective to prospecting and mining in the Hills; the first metal mine in Australia was established shortly after settlement, in the late 1830s, at the Glen Osmond mines. Since its beginnings in the Kanmantoo area in the 1840s, mining has made some significant contribution to the South Australian economy.

Between the 1840s and the 1880s underground methods were used to mine rich copper lodes until the 1970s, when a large open cut mine was developed at Kanmantoo to access larger, lower grade copper resources. This government looks forward to Kanmantoo once again producing ore, with the first output expected in early 2011 ahead of gold and copper production in the fourth quarter of next year.

Kanmantoo builds on the 12 operating mines already in existence in South Australia, which is a threefold increase on the projects in operation when the Rann Labor government came to office. This government is still confident that construction will be underway by the end of this year to increase the total number of mines in South Australia to 16. Behind that, we still have a pipeline of 20 to 30 world-class projects that will build on South Australia's global reputation as a reliable supplier of mineral resources.

PUPPY FACTORIES

The Hon. T.A. FRANKS (15:06): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs and the minister representing the Minister for Environment and Conservation a question about puppy factories.

Leave granted.

The Hon. T.A. FRANKS: I would like to raise the issue of puppy factories in this place. As the Minister for Consumer Affairs would be aware, currently there is an SA Code of Practice for the Care and Management of Animals in the Pet Trade review, for which submissions closed in September this year. We are having a look at how pet shops operate in this state.

For those who are not aware, puppy factories exist where unethical breeders use intensive breeding facilities and pump out designer dogs by the dozen, often leaving both the breeding animal—the female producing the pups—and the pups with quite significant health concerns. It is also devastating to consumers, who buy these designer dogs at designer price tags, to find out that they are often suffering ill health and are often badly socialised.

Given that the Animal Law Committee of the Law Society expressed disappointment that the SA Code of Practice for the Care and Management of Animals in the Pet Trade did not actually address the issues of breeding, in particular puppy factories, will she ensure that it is addressed by this government? Will we be seeing moves by this government some time soon to stop puppy factories in South Australia?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:08): I thank the honourable member for her important question. Indeed, matters to do with animal welfare are the responsibility of the Minister for Environment and Conservation, so I will certainly refer those relevant parts of the question to him.

However, in relation to my responsibilities as Minister for Consumer Affairs, my department has dealt with issues dealing with the false advertising components of the sale of puppies; that is, advertising them to be a particular breed or quality that is, in fact, not true. If a retailer or puppy breeder is found to be guilty of such a breach, action can be taken against them.

Nevertheless, as you can imagine, it is extremely difficult sometimes to follow these people up. We had an incident recently where, with the use of the internet, a gentleman was selling puppies and taking money in advance. The money was supposed to assist in the vaccination and transportation of these animals. Of course, in this instance the animals were not forthcoming, so consumers never received their puppies. They parted with their money and, of course, this particular fellow was not able to be found because he was selling over the internet.

We warn people time and again to be very careful, particularly with puppies, to go through reputable puppy retailers or reputable puppy breeders, to do their research in advance, and make sure that they are dealing with someone of high reputation. We warn people to ensure that they

see their credentials, and ensure they see papers, if a dog is held out to be a particular breed or pedigree, to support that.

Particularly being a former minister for environment and conservation and also an animal lover, I am always concerned when I hear any reports of animals being abused in any way, and that is obviously a position that I will continue to advocate irrespective of which portfolios I have responsibility for.

WOMEN'S STUDIES RESOURCE CENTRE

The Hon. J.S. LEE (15:14): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Women's Studies Resource Centre.

Leave granted.

The Hon. J.S. LEE: Yesterday, many flyers were distributed around Parliament House with the title 'Another Don Dunstan legacy to bite the dust?' This week, the minister, as well as the Hon. Michelle Lensink in this council, spoke about celebrating 35 years since the passing of Australia's first sex discrimination act and yet, after 35 years of operating the first and largest women's library in the southern hemisphere, the Women's Studies Resource Centre announced that it faces imminent closure.

The Hon. Michelle Lensink asked the minister a question on 16 September 2010 regarding this matter. The minister in her response indicated that she has actively liaised with the Minister for Education and the Minister for Employment, Training and Further Education to secure funding on behalf of the centre and to facilitate discussions regarding its future. My questions are:

1. What meetings has the minister facilitated with the Minister for Education and the Minister for Employment, Training and Further Education and when did those meetings take place?

2. Can the minister provide an update as to what funding resources have been secured or what alternative measures have been put in place to preserve these very valuable resources for women across the community?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:12): I thank the honourable member for her questions. I have already spoken on this issue before in this place. There is not a great deal more to add in respect of that. In relation to the women's resource centre, I have already put on record here that it is a very significant centre.

It was one of the first of its kind ever to be established and unfortunately, over the years and particularly recently, the use of this facility has declined significantly. It is most likely due to the availability of feminist resource materials via other means, particularly the internet, so I think some of those things have overtaken the need for such a specific facility.

Nevertheless it is still symbolically a very important facility, and it holds a certain part of our history which is of great value, as do those women who fought so hard to have that resource centre put together in the first place. As I said, it was the first of its kind and there was no other place for women to go to access that sort of information and material, so it did play a really vital role, and I certainly respect and honour those women who played such an important role.

In terms of my communications with the minister for DFEEST—and I think DECS also contributes funding—I have spoken with both ministers involved. My understanding is that the issue has not been resolved as yet in relation to the long-term funding arrangements for this facility. So my understanding is there has been no final decision made that I am aware of, and the matter has not been resolved. My understanding is that discussions and considerations are still occurring.

WOMEN'S STUDIES RESOURCE CENTRE

The Hon. T.A. FRANKS (15:15): A supplementary question: I take heart from hearing that some items of the collection will probably be available, and I can imagine *Our Bodies, Ourselves*, the Boston Women's Collective handbook, would probably be readily available in many other places, but I am very concerned that we are going to be accessing this collection online, given it has a lot of gender identity, sexuality, and particular lesbian—

The PRESIDENT: Order! Sit down. That is not a supplementary question: it is a statement.

The Hon. T.A. FRANKS: Will the government confirm that their national broadband scheme with the internet filter will not actually stop people from being able to access these items in the collection?

The PRESIDENT: Why didn't you do that in the first place instead wasting the time of the house making statements? You must learn to do a supplementary. You are not going to get away with it. This is not the house down the road. This is the house ruled by the President.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:16): There are many ways to access information, and access via the internet is not the only way. I understand that there are a range of considerations and discussions occurring. Even if this particular resource centre did not remain open—and, as I said, as far as I know there has been no final decision on this at all—there is nothing to say that the collection or parts of the collection could not be made available through other resource centres. One has to be sensible about these things. I am not too sure that the only alternatives are this particular resource centre or the internet; I think there are a range of different considerations that are potential options. As I stress, as far as I am concerned, there has been no final decision in respect of the women's resource centre.

HARBISON, MR M.

The Hon. R.P. WORTLEY (15:17): I seek leave to make a brief explanation before asking the Minister for the City of Adelaide a question about the Right Honourable Lord Mayor Michael Harbison.

Leave granted.

The Hon. R.P. WORTLEY: We all know the City of Adelaide is special for South Australians, holding a particular place in all our hearts, but it is also special for another, lesser-known reason. One of those things that differentiate the City of Adelaide from other councils is the fixed term for the office of Lord Mayor. Will the minister inform the council about some of the achievements and contributions of the Lord Mayor as we bid him farewell?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:18): I thank the honourable member for his question.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: This Saturday will not only be the day of our traditional Adelaide Christmas Pageant, but it will also be the last official day at work for His Worship Michael Harbison, Lord Mayor of Adelaide. There have been many occasions where I have worked with Michael and have built up an excellent and productive working relationship with him. As Lord Mayor he has had to balance very difficult issues of creating a busy and vibrant capital city, complete with the sophisticated services and facilities that we expect, yet at the same time ensuring that we keep a measure of that small-scale charm and intimacy that we value about Adelaide.

His commitment towards revitalising the city as the heart of South Australia and pursuing mixed use developments has been key to attracting and creating opportunities for residents, workers, students and visitors in conjunction with the state government. This commitment is paying dividends. For example, the number of people who work in the city has increased from 90,000 to 130,000 during Michael's term as Lord Mayor. The estimated number of city residents in June 2010 was 21,200—a 60 per cent increase from the 2001 population. The number of students enrolled in city-based education institutions has increased from around 50,000 in 2001 to over 80,000 in 2009.

Michael Harbison can also point to many other significant achievements during his term as Lord Mayor. There is the renovation of North Terrace to the point that it has become a star in its own right in our festival program through the Northern Lights project. As usual, there was the standard barrage of criticism before the project was finished—the sky was going to fall in—and we heard all the whingers and moaners, but to his credit Michael stood by the plan and the result is clearly a triumph, with North Terrace now providing a stunning introduction to the city's cultural and educational institutions.

Another design-related achievement worthy of accolades is the Rundle lantern project, wherein a distinctly functional-looking car park at the end of Rundle Mall—in fact, I always thought prior to its changes that it looked like one of those live cattle boats—has been turned into a striking visual landmark every night. The carbon neutral, solar powered, digital canvas of the Rundle lantern has already won a number of awards and seems set to become an Adelaide icon. All the more satisfying is that most of the Rundle lantern's design, including electronics and construction, has been sourced locally.

During Michael's term he has also overseen the construction of the new Adelaide Central Bus Station and common ground facility between Franklin and Grote Streets, as well as the commencement of a staged rejuvenation of the former Balfour's site with residential accommodation, which is bringing the city's long dormant west end to life. Michael has also been a key driver of the council's strategy to provide leadership in addressing climate change and to promote the conservation of energy, water and natural resources.

Projects such as the extension of Adelaide's free bus service and free city bike service, as well as the introduction of Tindo, the world's first solar electric bus, are tangible examples of council providing leadership for other cities around Australia and the world. As Lord Mayor, Michael has been closely involved in the Capital City Committee, where he has worked to build cooperation between state government and the Adelaide City Council.

A recent feather in the cap for Michael came in March this year when he announced that the council had received $1 million of federal government funding to assist in the development of the integrated design strategy (IDS) for Adelaide. Through the Capital City Committee Michael has played a key role in developing the governance arrangements and establishing the strategic direction for the IDS.

This early work has laid the foundations for the IDS to be an effective way to improve the design, planning and management of the city, creating a more liveable, vibrant and inviting place. Even after he has left office, Michael's vision for the City of Adelaide will undoubtedly continue through the very important work he has contributed. I believe that at all times Michael Harbison has undertaken the role of Lord Mayor with great panache and style, and I wish him all the very best in his further and future endeavours.

ANSWERS TO QUESTIONS

BUILDING INDEMNITY INSURANCE

In reply to the **Hon. J.M.A. LENSINK** (30 June 2010).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide): I am advised that:

1. Whilst the Heads of Agreements are in place, and until more formal agreements are put in place, in certain circumstances, including meeting insurer eligibility criteria, a new builder can be covered.

2. As I previously indicated to Council, the details of the Heads of Agreements with QBE and Calliden are commercial in confidence. However, the Government's entry into these arrangements was to ensure stability whilst the market in South Australia adjusted.

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BURNSIDE COUNCIL

In reply to the **Hon. S.G. WADE** (1 July 2010).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide): On 27 August 2009 a joint media release was issued from Hon Jay Weatherill, the then Minister Assisting the Premier in Cabinet Business and Public Sector Management and myself agreed to exempting the investigation into the City of Burnside from the Freedom of Information legislation at the request of the Investigator.

This step was taken to ensure all persons with information relevant to the investigation felt confident about coming forward and providing information to the investigator without the fear of defamation or other reprisals and to maintain the integrity of the investigation.

The use of the word 'interim step' in this context should be read as 'intervening step' and as such, the Government will not be repealing this exemption.

I remain however committed to tabling the results of the investigation in Parliament, provided there are no legal impediments to doing so.

FAMILIES SA

In reply to the **Hon. A. BRESSINGTON** (20 July 2010).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide): The Minister for Families and Communities has provided the following information:

1. The mother's contact with her son has not been suspended and the decision to change the arrangement from non-supervised to supervised contact was not precipitated by the comments made by Hon Ann Bressington in Parliament on 20 July 2010, but rather as a response to the negative impact that unsupervised access has been having on the child's emotional well being.

Since March 2010, Families SA have been considering options regarding the child's contact with his mother.

All decisions regarding the proposal to change contact arrangements have occurred in consultation with senior Families SA staff.

2. Families SA continues to meet regularly with the Hon Ann Bressington and discuss the situation with regard to this young person. On 13 September 2010, the Executive Director, Families SA met with the Hon Ann Bressington to discuss the issues pertaining to this boy's care. Families SA are aware of the key issues regarding schooling and contact with his mother and are continuing to progress the case as a priority and provide updates to the Hon Ann Bressington.

3. Families SA regret that a staff member did instruct the mother not to attend (at the time) her son's forthcoming Youth Court proceedings. Families SA acknowledge that this advice to the mother was incorrect and inappropriate. The staff member has been counselled about this matter.

Families SA acknowledge that this kind of direction to a parent is not appropriate and that Families SA is unable to assert to the Courts who can and cannot attend judicial proceedings.

Families SA remained concerned about the possible adverse impact of the mother attending the court hearing and have asserted this to the Courts. The Courts have however supported the mother's attendance. She has since attended all of the young person's Court hearings.

4. With respect to this case I can confirm that this child is under the Guardianship of the Minister and resides in residential care.

Specific details regarding this child's situation remain confidential in accordance with section 58(1) of the *Children's Protection Act 1993.* Families SA is required to maintain the confidentiality of any child who is placed with Families SA under the Guardianship of the Minister. For this reason it is not possible to answer in full every question addressed to me about this case. This serves to protect information about children or others who may already have suffered trauma, deprivation and abuse.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November 2010.)

The Hon. R.I. LUCAS (15:24): When I commenced my contribution on Tuesday and then sought leave to conclude, I indicated that I wanted to place on the record some figures to support some of the arguments that I had developed on Tuesday. In the first instance, I wanted to refer to the level of gaming machine taxes collected in South Australia after the government took the decision supposedly to crack down, as the Premier said at the time, on problem gamblers in South Australia by slashing the number of gaming machines in the original estimation by 3,000 but, as it turned out and as we know, by just over 2,000. In gaming machine taxes, the estimated results for the financial year 2003-04 were $280 million; in 2004-05, it was $297.7 million; in 2005-06, it was $293.1 million; and, in 2006-07, it was $312 million.

As I indicated on Tuesday, soon after that there was a decline in net gaming revenue and also gaming machine taxes because of the introduction, at that particular time, of smoking bans in gaming establishments, in particular, in hotels and clubs; and that decision did see a significant impact, at least for the first few years anyway, after 2007. In that period during which the number of gaming machines was being reduced, there was still a modest but reasonable growth in gaming machine taxation revenue collected by the state government, as I said, from $280 million up to $312 million in that three year period, an increase of $32 million in gaming machine revenue.

Those of us at the time—and as I indicated I opposed the bill at the time—said it was political tokenism; it was a political stunt. It was claimed by the Premier and the politically correct at the time that this was going to do something about tackling problem gambling in South Australia. There was no evidence presented at the time for that and I think the facts speak for themselves, in terms of the NGR figures I tabled on Tuesday and the gaming machine tax figures that I have just listed today.

Since I spoke on Tuesday, there has been another (from my viewpoint, anyway) extraordinary story in this saga of pokie machines or gaming machines in Australia. I do not want to talk about the details of this case because it is only one of a number, but it does raise how the whole place has been turned on its head by the politically correct and those who want to attack the gaming industry specifically, and the pokie barons in particular.

This is this extraordinary notion that, for the unfortunate 1 or 2 per cent who are problem gamblers, or virtually in all circumstances if someone loses money on gaming machines, there ought to be some legal entitlement to take action in our courts against the proprietor of the gaming machine establishment or whoever the gambling provider might happen to be. We have the circumstance where someone is taking the punt, has an addiction or a problem, and the view of the politically correct and those who want to attack the people they refer to as the pokie barons is that there should be some right of recourse in the law and responsibility to take action against the proprietor of a particular establishment.

As I said, I am not going to enter the debate of this particular case in the last few days because I think it is still continuing before a court, but it raises the general question—and we are all aware of any number of examples in recent times where this sort of argument has now been developed.

I well remember one of the many disagreements I had with my very good friend and colleague, the Hon. Mr Xenophon, on gambling issues when, during the select committee which the Leader of the Government served on for a period of time, there was this extraordinary notion supported by him and other politically correct in our community that what we ought to be pursuing as a policy option was the option for people who take a punt to be able to void a loss that they incur on their credit card with a gambling provider, after they had lost.

So, they take the punt. If they win, I am sure they would not want to void the transaction, but then if they lost there should be some legal entitlement against the banks to be able to void the loss ex post the bet. That was just an extraordinary proposition, and it obviously has not yet transferred into policy action—but who knows at the federal level? I guess it is a pretty good deal if you are a punter; I am not sure that the gambling providers and the banks would be overly happy. I am sure that the punters would not want to void their transactions if there was a collect to be had. It is an extraordinary interpretation of what we ought to be doing in the world if somehow there is this argument that we ought to support some sort of policy notion like that.

It is just an example of what is wrong with this whole debate at the moment. As I said to someone yesterday, just give me a break if you are going to start that sort of argument in relation to the admitted problems of a small number of people in our community. It is a problem that they have. We as a community, as a government and as a parliament need to do all we can to assist them, but assist them is what we should be doing. We should have a sensible form of regulation, and we all support that, but sadly there are some in our community who want to take it beyond the realms of sensible regulation.

It is an easy headline. The politically correct know that sections of the media will jump on board the pokie barons headline. The Premier leads the charge on occasions, the Hon. Mr Xenophon leads the charge on other occasions, and there are any number of other fellow travellers who want to target the pokie barons. As I said, you can count on one hand—and you might not have all five fingers on your hand—the number of occasions you will ever see anyone stand up and support the industry, despite the fact that 98 to 99 per cent of people happily and without problems can gamble as a recreational pursuit.

As I argued on Tuesday, if I choose to spend $50 on the punt or a pokie machine as opposed to the Hon. Mr Brokenshire spending $50 down at the local hotel with a few sherbets and a counter tea, and if I get my jollies through having a punt as opposed to having a drink at the local hotel, then what is the problem? What is the problem? Of course, my $50 will go on the collections as a loss, and—shock, horror—you know I have lost $50, but the $50 that Mr Brokenshire has spent at the local pub on a few sherbets and whatever else is not characterised as a loss: that is a recreational pursuit that he has enjoyed and is entitled to, and we do not have the politically correct attacking his expenditure patterns as a result of that.

That is the problem with this whole debate. It has been the problem since the introduction of these machines in the early 90s and, whilst I never expect there to be a fair go in terms of this whole debate, because I am a realist—I know where the media interest is, where the media column centimetres will be in the newspaper, and the stories in the electronic media—I hope over the coming years there will at least be some in this parliament who on occasion will be prepared to speak up on behalf of the overwhelming majority of people (the 98 or 99 per cent) who quite happily want to have a punt.

It is going to become important because some of the changes being mooted may well impact significantly on the opportunities for the 98 per cent or 99 per cent to have a bet on gaming machines, if that is their preference, as a result of the federal government's deal with some of the Independents. The second area I said I would bring back some information on is the massive growth in sport betting. As I said, there is all this focus on the highly regulated gaming machine industry. Now, the punt is actually stabilising. It still accounts for the overwhelming majority of punting dollars in Australia but it is already starting to dip and we are seeing massive increases in online betting, and we are going to see that change in the coming years, mark my words.

As a result of having raised this issue, I thought I would bring to the chamber some examples. As I said, any person can sit in the privacy of their home, the parliament or their car with their iPhone, download an app and bet away their savings, and they can use credit on any number of betting options in South Australia, Australia, or around the world. Here is one example of an advertisement from Sportingbet. It says:

> A bookie in your pocket.
>
> Sportingbet is now available on your mobile!
>
> Sportingbet mobile offers all racing markets for thoroughbred, harness and greyhounds with a large selection of betting products including Maxidiv, Exotics and MaxiFlex. Sports betting markets are also available for NRL, AFL, soccer, cricket, US sports and much more!
>
> Simply enter sbet.mobi into your mobile browser and start betting!

That is all you have to do. It continues:

> What is sbet.mobi?
>
> sbet.mobi is a website designed for use by mobile devices. It allows you to bet using your mobile device 24 hours a day, 7 days a week.
>
> Existing Sportingbet customers—Use your Sportingbet internet account details to log into sbet.mobi.
>
> Try it now!—Go to the address—

and it gives the address—

on your mobile devices' web browser. Remember to 'save' the link so you can get there easily next time!

That is how easy it is at the moment. We are talking, this afternoon and however long this debate goes, about whether we should close down gaming machines from midnight until 10 o'clock or for three hours or three hours continuously, or whatever else; and, whilst we are attacking the pokie barons, the same problem gamblers can go and sit in their cars, homes, or whatever, and 24 hours a day, seven days a week punt on anything all the way around the world. Simulated gaming machine punts are available through various exotic locations and sites around the world also.

As I said, I do not have any figures on poker, but online poker is again available on your mobile phone. Since I spoke on Tuesday a number of people have spoken to me and said they know a bloke who is a professional (a lawyer) who works in one of the legal firms in South Australia at the moment who spends half his waking life (I am sure that is an exaggeration) whilst at work—and billing customers, I suspect—playing online poker at any hour of the day. These are the real world examples of what is going on at the moment, whilst all this focus is on gaming machines in pubs and clubs and the casino here in South Australia.

I want to quote from an article from IBISWorld in relation to this whole massive growth in sports betting. It says that IBISWorld looks into the gambling habits of our punting nation. The average Australian household spends 3 per cent of its disposable income on gambling. It says:

'Stronger growth in sports betting, punting on racehorses and purchasing Lotto tickets have been fuelled more by a shift away from spending on other gambling pursuits—such as casinos and gaming machines—than by any overall change in the amount we spend,' said IBISWorld General Manager (Australia) Robert Bryant.

We're seeing the knock-on effect from indoor smoking bans which have led to weaker growth in the casino and gaming machine segments, alongside the fact most states have capped the total number of gaming machines permitted to operate. However, despite this trend, gaming machines remain incredibly popular in this country,' he [noted].

Then, under the heading 'Betting on the ball', it goes on to say:

If it has a ball, or a scoreboard, it seems we'll bet on it, with IBISWorld figures showing sports betting has been the big winner of the past five years increasing market share of gambling spend from 1.1 per cent in 2004-05 to 1.9 per cent today. That translates into a current annual spend on sports betting of $2.9 billion, compared to $1.6 billion five years ago...

That is an increase in annual sports betting of $1.3 billion per year in Australia in the space of just five years. The quote continues:

'The rise of online betting sites has fuelled strong growth in sports betting with its quick, simple, do-it-yourself format appealing to an increasingly broad audience,' commented Mr Bryant. 'Sports betting, particularly in its online format, appeals to casual gamblers, who find it much less intimidating than casino tables or even betting with a bookmaker at the racetrack. People who wouldn't necessarily spend time at their local TAB and who may never have played a poker machine are having a go at sports betting online.'

'Casual gamblers seem to enjoy the fact that sports betting is more a test of knowledge than a mere game of bluff—like a lottery ticket or a poker machine—and the odds are often competitive since online operators don't have the high costs associated with retail premises,' added Mr Bryant.

IBISWorld believes another key contributing factor in the industry's stellar performance has been the proliferation of outcomes on which people can bet, such as first to score, highest score, margins—

clearly, from the Pakistani cricket experience, I do not think there is any more exotic bet than betting on whether or not a certain bowler will bowl a no-ball at the last ball of a particular over—

and the fact this betting can be done in real time, which of course makes watching the event more exciting (and potentially more expensive). 'We anticipate this year's Football (soccer) World Cup beginning in June will be a major factor driving growth in sports betting for the financial year as avid fans eagerly await—and bet upon—every golden goal, winning score and, of course, the team that eventually takes home what many believe is sport's ultimate prize.'

The final part I will quote from this IBISWorld release is under the heading, 'Girl power'. It states:

The rise and rise of poker machine gambling has seen women become a much more permanent—and big spending—fixture in the gambling stakes over the past decade, but it's in the sports betting field that female gambling is exhibiting healthy growth.

'Female gamblers who may perceive the TAB or oncourse gambling outlets are male-dominated bastions are finding their way to online betting sites, where they can not only bet on sporting fixtures but also non-sporting events such as the outcome of reality TV shows, election results, interest rate decisions, Logie winners and a range of other activities which have not traditionally been gambling fare,' said Mr Bryant. For more information …

All of that sort of exotic betting, not just on sports but on Logies and on interest rate decisions, election results, etc., is available 24 hours a day off your mobile phone application as you sit in the privacy of your home or your office.

Another quote from an *Age* story in 2009 quotes the draft Productivity Commission report, saying that in 2008 there were about 424,000 online sports wagering accounts in Australia and that had been a 100 per cent increase in just four years. I suspect that number in the last two years would have increased even more significantly. An October 2009 press release, entitled 'TABCorp eyes mobile and online gambling for future growth', states:

> TABCorp managing director and chief executive [with the best name ever], Elmer Funke Kupper, has flagged mobile and online gambling as a major source of future profitability. Noting the company's investments there during the 2010 financial year at the company's annual general meeting, Funke Kupper said demand for mobile device-based gambling in particular was on the rise. 'During the year we continue to invest in online technology [and] we launched an app for the iPhone and the iPad, which so far has been downloaded by more than 100 customers,' he said.

So, here is Mr Funke Kupper saying in 2010 that their mobile phone app had been downloaded by more than 100,000 customers, and that is just TABCorp, and TABCorp alone is just one provider. There is a lot more in his press release, but it just highlights the massive growth they have been experiencing in online betting and what they see as the future for online betting. A similar story, 'Centrebet reports Australian online sports betting revenue up 23%', states:

> Con Kafataris listed Australian bookmaking company Centrebet…has reported revenues from online sports betting, and racing in particular, were the star performers in its business over 2008-2009.

He goes on to say, 'Australian online sports betting revenues jumped 23 per cent for the year to $32.9 million'. Again, in his press release—the same as Mr Funke Kupper, on behalf of Tabcorp—he highlights the massive potential growth in online betting for their company.

Those figures and quotes are just a small selection of a very large number that I could have put on the record to demonstrate that, whilst all this focus this afternoon, in the last few years and the next few years will be on the supposedly evil pokie barons of the world and gaming machines, the whole world is going on around this whole debate. Yes, properly regulated industry is important, and we all support that, but the real world out there is seeing massive growth in sports betting and online betting, online poker and other gambling options, which increasingly have been taken up by individuals, women and young people in particular, as their preferred gambling option.

The final issue I will raise in my second reading is a brief outline of some amendments that I have placed on file to indicate the background to the reasons for some of those amendments. There is an unduly onerous approach to gaming machine regulation that we have in South Australia. In making that statement, there is no evidence given by the Hon. Mr Xenophon or the welfare sector (they call themselves the 'concerned sector'), or others to demonstrate that we have fewer problem gamblers as a percentage in South Australia than in any other state of jurisdiction on the nation.

Given all that focus we have had—we have had the No Pokies MLC, and now we have the No Pokies Senator—and given the controls in South Australia, which do not exist in some of the other states and territories, one would have thought that, if all of the claims that were being made about how successful these restrictions were going to be, someone would now be able to produce the evidence and say that we are much better performers in terms of tackling the gambling problem in South Australia compared to anyone else.

I have to say, having again read the debates in this chamber and listened to the debates recently at a national level, that there is no valid evidence to argue the case that we are better performers in South Australia as a result of all the things that we have been doing. One of the things that we have done relates to restrictions on the type of gaming machines we can have in South Australia. One of the issues that I am raising, by way of my amendments, concerns what is essentially accepted in most other jurisdictions in the nation in relation to gaming machines; that is, in most other jurisdictions—and I will outline that in a minute—you can not only put coins into the machines to have your punt, but you can also put in notes.

There is the capacity for a note acceptor in machines in many other jurisdictions. The advice that I have been provided with indicates that in New South Wales, for example, the gaming machines will accept notes up to $100. In Victoria, gaming machines will accept notes up to $50. In Queensland they can accept notes up to $20 and a maximum number of five notes at a time. In the Northern Territory, I think only in the casino, they can accept notes up to $100. The ACT can

accept notes up to $20. In Tasmania, I think again only in the casino, they will accept notes up to $100. Western Australia, of course, only has gaming machines in the casino and I understand they accept notes up possibly up to $100. In New Zealand, I am advised that machines there accept notes up to $20.

In South Australia, of course, it is banned. South Australia would appear to be the only state or jurisdiction where there is a complete ban on note acceptors in a machine. So in essence, in South Australia, if you are one of the 98 or 99 per cent of people who does not have a problem and you want to put a $5 note in or a $10 note in and you do not want to run around carrying $5 and $10 bundles of coin all the time and you want to put your money in and have a punt, in South Australia, you cannot do it. In any other state, in either the casino or in some of the pubs and clubs, you are able to do it.

That does then create significant issues for gaming machine manufacturers as well. You have to provide different machines with different capacities and facilities in South Australia as compared to other jurisdictions. I am not doing this from the viewpoint of the gaming machine manufacturers. I have had no contact with the gaming machine manufacturers at all. I am really doing it as an example, I think, of where we in South Australia race down this path of everyone wanting to think up the next best restriction to place on the poker machine industry, never having to justify that it will actually work or do anything and never having a review afterwards to show that it has actually worked.

I acknowledge that there are varying conclusions being drawn from research around the nation in relation to note acceptors, some saying it has no impact at all and some arguing that they believe that it does have some impact. From my viewpoint, my argument simply is that, for the 98 or 99 per cent of people who want to gamble on a gaming machine and want to put a note in, most of the other states do have restrictions up to certain denominations of notes or whatever it might happen to be and certainly that would be part of the regulatory process in South Australia in terms of what that limit would be, so I am going to test the view of the committee by moving amendments along those lines as well.

I will canvass two issues in my amendments. Members can actually vote to allow note acceptors and just note acceptors into machines in the future in South Australia. The other option by way of a further and additional amendment with which I will be testing the waters in the committee stage is what is known as ticket-in, ticket-out which again exists in some other jurisdictions in Australia. Ticket-in, ticket-out is a technology used in most modern slot machines or gaming machines. I am told it was originally developed by International Gaming Technology and Casino Data Systems under the name EZ Pay.

A ticket-in, ticket-out slot machine prints out a barcoded slip of paper which can then either be redeemed for cash or inserted for play into other ticket-in, ticket-out machines. This particular machine utilises a barcode scanner built into the bill acceptor, a thermal ticket printer in place of a coin hopper (some rare machines are set up to play with coins if the payout is less than the payout limit and to print a ticket in situations where a hand pay would normally be required) and a network interface to communicate with the central system that tracks tickets.

Some of the advantages claimed for the ticket-in, ticket-out system are that the hopper fills are virtually eliminated, thus minimising cash flow, because each machine can hold up to $400 in coins. If you are managing a casino with whatever number they have (between 700 and 900 machines, whatever that number is), then you are talking about a significant number of coins being managed. If you are running a hotel with 30 or so machines, you are still talking about a significant number of coins being held and having to be managed. That is one of the advantages.

Patrons no longer will have to wait for an attendant to perform a hand pay for large payouts. That obviously reduces manual handling issues and makes multi-denomination gaming machines possible. Some psychologists who have argued about the design of gaming machines in the past have said that one of the attractions for gamblers is the sound of the coins hitting the bottom of the tray, that it is some kind of turn-on for the addicted gambler. I cannot comment on the accuracy or otherwise of these psychologists' claims that this is one of the features of gambling on gaming machines that turns on some problem gamblers. Evidently, the sound of the—

The Hon. J.M. Gazzola: I've never heard it.

The Hon. R.I. LUCAS: I can't say I have heard it either. I have seen it on movies on television, but the sound of the coins hitting the bottom of the tray in large numbers is evidently a

significant turn-on for some punters. So some who are arguing for the ticket-in, ticket-out system say that is one of the issues that will be removed.

I hasten to say that I am sure there are those who argue against the ticket-in, ticket-out system, saying it makes it easier for punters to gamble on gaming machines. Again, I do not think there is any evidence one way or another which indicates that any particular argument is right or wrong. There is certainly no evidence that has been presented to me which would demonstrate one way or another.

I guess the point I make in relation to these amendments and to many of the other issues involved in this whole debate is that, sadly, in many areas the evidence is lacking before we, the parliament, rush into even further restrictions on the industry. The reason we do rush into further restrictions is we know that it is politically correct, it will be politically popular, and we will get a head nod because we are cracking down on the pokie barons. There is not the onus of proof to require the parliament, the legislators, or those who say this is going to reduce the number of problem gamblers or assist problem gamblers, to do so before we head down a particular path.

I want to conclude my contribution by repeating something I have said on just about every occasion I have spoken on this issue, and that is that, in my humble view, the 1 or 2 per cent of problem gamblers would crawl across cut glass to pursue their particular gambling addiction. You can close down venues; it is argued that we should have fewer establishments so that they have to drive further or whatever. If we have 200 establishments instead of 400, if we have them operating for 18 hours instead of 24 hours, it will not make a scotch of difference to the 1 per cent or 2 per cent who have a gambling addiction.

Their addiction is so bad that they will crawl across cut glass to get to the venue that is open or they will wait until a venue opens, and they will still lose the same amount of money over the same period of time, or they will turn to some other gambling option or alternative. It is an addiction or a sickness that they have; they need to be identified and they need to be assisted. We can pat ourselves on the back and get the hurrahs from the media and elsewhere by thinking we are doing something about it but in five, 10, 15 or 20 years, with all these restrictions, if we cut down the hours even more, we will still have 1 or 2 per cent of problem gamblers.

When we had this debate back in the mid-1990s it was 1 or 2 per cent of problem gamblers, and in debating this in 2010 it is still 1 or 2 per cent of problem gamblers in the nation. It is the same numbers and same percentages we are talking about, and those same people have a problem and they will crawl across cut glass to lose their money, whether it be on a gaming machine, on the new options now in the privacy of their home or on their online mobile phone, or whatever it might happen to be.

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

The Hon. R.I. LUCAS: The Hon. Mr Dawkins says that they used to get on bingo tickets or on Keno. They would sit down at their local outlet and be doing Keno, and that is growing again as well. There are any number of options, if you have a gambling problem, to lose your money.

With that I conclude my contribution. I am not holding my breath that my amendments at this stage will be successful in committee, but I will certainly be dividing the chamber to have people stand up and be counted in terms of where they are on the particular amendments. I would hope that would be the case on all other amendments as well so that we can get a sense of where everyone is on the amendments. Let us monitor this debate in five or 10 years, because this bill will pass in some form or another. I hope in the end I am wrong and that in 10 years, whenever the bill is next debated, someone will say, 'Well, this was a huge success: that 1 or 2 per cent is now only 0.5 per cent, and it was as a result of the legislation passed, despite your warnings in 2010.' I am not holding my breath.

The Hon. R.L. BROKENSHIRE (16:02): I rise to support the second reading of the bill and I thank the minister for the briefing provided to my office. Most here have a concern about problem gambling and the impact of pokies in South Australia on problem gamblers and their families, perhaps to varying degrees. I am encouraged that in this debate the people of South Australia are represented proportionately by this upper house and will vote on measures to set an appropriate course for pokies in South Australia.

I find it interesting to note that the Liberals have a conscience vote on this, which is good. I am not sure the government members have a conscience vote at all, and that is very unfortunate. Having had to set up the first portfolio of the office for gambling, I note that it is an interesting

situation, because former and existing treasurers' main focus is on revenue into government coffers. I have to say that, sadly, it does not matter whether it is a Liberal or Labor government; the treasurer of the day is focused on how much revenue they can get out of gaming machines and from gambling generally.

When problems started to occur fairly early in the peace, after gaming machines came in to venues other than the casino in this state, they were genuine problems. They were not dreamt up, but were bona fide problems. There was an inquiry, and consequently we had a minister for gambling. The first one happened to be me. We now have the Hon. Tom Koutsantonis, but those ministers have one arm behind their back, as the Hon. Tom Koutsantonis would know now, even to the point where neither a Liberal nor Labor government has given absolute control of addressing and managing the finances around problem gambling.

It actually goes off to an area within Families and Communities, to another minister, and that in itself is an absolute frustration, because the minister of the day gets all the issues around regulation and managing all the gambling areas and has to deal with all the problems and defend all the time in the media and other places the issues around the consequences for families who suffer through one of their members at least having a gambling problem, but the minister does not even have control over managing the programs. It is a dog's breakfast.

I know treasurers will always want to have that revenue and that will be their main focus, but if we were serious about addressing some of the issues of problem gambling, one of the things we would do is give the Minister for Gambling the responsibility for managing the budget when it comes to issues around addressing problem gambling. Family First—no surprise—in an ideal world would not have gaming machines in hotels. We would have left it with the casino as the place to have gaming machines.

People say the sky would have fallen in if the hotel industry had not had the opportunity for gaming machines, but in Western Australia it did not fall in. The only place they can have gaming machines in Western Australia is in the casino. In fact, with one venue controlling gaming machines in Western Australia, I am envious of what I see when I go to Western Australia—their roads, hospitals, schools and infrastructure. I think part of it gets back to management and that is where the problem lies here.

I have said before and I will say it again and put it on the record publicly, realistically I do not see that we are ever going to get rid of pokie machines. The fact is that they are here and they are here to stay. Realistically that is the case. People come to me and say, 'Let's get rid of all pokie machines.' I ask them how you could do it. How you could do it legally and how you could financially afford to do it. We have to do everything we possibly can, given that there will never be the numbers in the house even for those of us who may want to get rid of all pokie machines for that to occur.

As I read it, over the 15 years I have been here, realistically we have to get the government to be more focused on addressing allegedly the 1 or 2 per cent, as the Hon. Rob Lucas said. It is a lot more than 1 or 2 per cent. One or 2 per cent may be to the point where they sell everything and basically lose the shirt off their back, but believe you me, out there where the economy is a lot tighter now than governments would make us believe, a lot more than 1 or 2 per cent are missing out as a result of these gaming machines and a lot more will miss out—and I do not see representation from the Council of Australian Governments through premiers either on this—because, as the Hon. Rob Lucas said, of modern technology and the new forms of gambling which we are going to see.

The Hon. Robert Lucas talks about five or 10 years with gaming machines. I shudder to think what we will see happen as a result of the information technology opportunities for gambling in your office or at home 24/7. Not too many jobs created with that one either. My point is that I have been very disappointed to see the significant increase in revenue—at least $1 million a day in net tax revenue to the government—but very little other than lip service has been done to address issues around problem gambling and early intervention.

The industry has led the way all the way. It has punched above its weight on a pro rata basis and it is unfortunate that here we are today in this chamber debating this bill, but we do not see the government putting in adequate funding out of the $1 million a day that it receives to help problem gamblers. Believe you me, they can be helped. I spoke to a lady from Port Pirie last year who had a serious problem. She was one of the 1 or 2 per cent. She had counselling services available. The government could not even manage the contract renewal on those and, as a result,

the non-government organisation that was providing them had to stop the jobs and I understand she went back to her old habits.

This government needs to answer the community and the parliament about why it is so heavily addicted to gambling and particularly gaming machines. Its focus on the revenue from gaming machines is a bit like its focus on mining—pretty narrow-minded and it forgets to look at all the other broader issues that are involved. I think the minister at the time, the Hon. Michael Wright, made a lot of fanfare about the fact that we were going to see 3,000 machines taken out of South Australia. We would have been led to believe when we listened to the debate—and I was certainly there at that time—that we were going to see those 3,000 machines exit pokie venues fairly rapidly.

That was six years ago, and here we are today still considering ways of achieving that target. Personally, I think more than 3,000 machines could have been the target, but we accept that that was the state government's target. The problem is that now we still have a situation where we see them not able to deliver on the promise that made such big headlines in the media at the time.

Speaking to the elements of the bill itself, the social effects test that is a strong element of this bill is, from Family First's point of view, and my own, a very welcome improvement to the industry, as is also the approval of venues provision. We could have perhaps avoided the West Richmond/Norwood community club/SAJC debacle that occurred had that process existed at the time. Having had quite a bit to do with constituents around West Richmond who were concerned about the new super venue going in there, I am pleased to see that at least the social effects test is there, and I congratulate the government for having that provision in the bill.

A legislative process compelling all parties concerned with a new pokie venue to talk to the community about pokies coming into the area is the type of community consideration we expect government to be undertaking, and we welcome this initiative. It was farcical to have community consultation come through a quasi-judicial process of public notification, and then a hearing before the commissioner, after a venue had already gone to a lot of expense on architecture, planning, and approvals for the venue.

The SAJC, which we believe was the driver behind the West Richmond situation, had done a lot of work getting the venue plans drawn up which were ultimately defeated by community advocates who work with us, and I commend my policy and legal adviser, Rikki Lambert, for his expertise and work undertaken with other honourable members in opposing that particular proposed venue. They only had to go down the road to Morphettville racecourse and they could have gone into one of the super pokie machine venues, anyway, but they were specifically and strategically targeting West Richmond because they saw the vulnerability of families there.

I suppose that, stung by the cost loss through that process, economic rationalism has convinced some of those industry sector people to now go to the community first about its concerns. We at Family First are but hand in hand with putting the community first, so this is a welcome change and I commend the government again. I note that the bill seeks to restrict the operation of coin machines from 2am to 8am, but for them to be switched off during those late-night periods. I note that one of our colleagues, the Hon. John Darley, has some amendments that Family First will be supporting.

I will not speak in detail to the amendments. I did organise for an email to go to honourable colleagues to give them further background on my amendments, but I will be removing and then inserting one new amendment, which has already been tabled, regarding the intention in respect of gaming machine numbers. The issue there is just in the process around how we can actually get to that target, if indeed the target of 3,000 is not reached by 31 December 2011.

Regarding the provision of no gambling before 10am, I understand that in terms of mandatory time off from gambling, Queensland has the most, with a 10-hour break. Of course, there are ways that venues, in liaison with the regulator, can get around that, I am advised, so all these sorts of unintended consequences again will need to be watched with this bill. One of our amendments expands our limit from 6 to 10 hours and, like Queensland, fixes that 10 hours to the midnight to 10am period. I note that in New South Wales, even though they have a six-hour break, their venues open at 10am. I understand that the only people you will find in our venues in South Australia at 7 and 8am, when the pokies are open, are actually those playing the pokies, unless there is a business breakfast, or something like that, in the hotel.

There is no sound public policy reason to have pokies open before 10am, in my opinion. I had an electorate office next to a significant and successful tavern at Woodcroft for several years, and it was always concerning to me to watch mums and dads dropping off their children at the

college next door and then proceeding straight to the poker machine venue. That was not only at the college but also the primary school down the road. I am not sure that was in their best interests or those of their family. I doubt it would have been.

The government pointed us to research on shutdowns of late trading venues and, as I said, I note our amendment would force a shutdown at midnight. It is interesting that the New South Wales research by Tuffin and Parr from April 2008, which was prepared for the gaming regulator and investigated the impact of the mandatory six-hour shutdown period implemented there since April 2003, showed that 78 per cent of the 272 problem gamblers interviewed—so this was where there were proper interviews done with these people—which is a reasonably good sample, supported the mandatory shutdowns, with 54 per cent of the problem gamblers in strong support and 68 per cent saying that if the machines shut down they would go home. The report states:

> Evidence from the qualitative research suggests that many problem gamblers feel helpless to break their play of their own volition and welcome measures to assist them to do so.

The government may claim it did not reduce the level of gambling as a result. Of course, those of us who believe that this is a good initiative can obviously debate the other way. We think, though, that, in combination with our measures and those put forward by other honourable members, an expanded mandatory shutdown of midnight to 10am, as they have in Queensland, would be a good thing. We strongly believe that.

I turn to the topic of children impacted by problem gambling. We did note some advice that we received from the government on minors in premises. The government claims no minors have been detected in approved gaming areas statewide during the 2008-09 period. In fact, even in the SkyCity casino where there is considerable effort going into checking ages, as I understand it, six minors were detected in 2008-09 compared to five the year before. Only one of those who actually got into the casino, I understand, was found to be gambling.

The government also reports that 5,714 persons sought entry to the casino in 2008-09 alone, and it is a little hard to reconcile so much interest by minors in getting into the casino with across the state not one minor being caught in gaming areas. So what I am saying is the casino is clearly working hard to keep minors out of the premises with 5,714 seeking to get in, but only one found to be gambling. I am a country person and I am sure there must be quite a number of minors getting in in my own town. The gaming venue is immediately alongside where you eat and drink in the general bar area.

Our amendments are not about minors who get into gaming areas, but they highlight that there already seems to be quite an interest by minors in getting involved in gambling, and taking preventive measures is a good thing—early intervention. I would like to see a lot more work done. It is difficult for the schools because, always, politicians and governments tend to think the schools can do everything. However, 'a stitch in time saves nine' is true, and it would be good if more education was done in the schools about the risks in gambling per se. So, what we are advocating here is an initiative early in the piece to prevent children being impacted by potential problem gambling.

A May 2010 report for Gambling Research Australia by the Problem Gambling Research and Treatment Centre (a joint initiative of the Victorian government, University of Melbourne and Monash University) entitled 'Children at risk of developing problem gambling' indicated that children of problem gamblers are four times more likely to become problem gamblers themselves. That does not surprise me; you see the same thing with other addictions within families.

The report states that gambling is a socially normed behaviour for children in problem gambling families, and the report recommended that campaigns be conducted to encourage gambling parents to reinforce to children the negative outcomes gambling can have and discourage people from gambling with their children or with their children present.

I have on file amendments about child play areas, which I hope the council will support. I acknowledge the amendments of my colleague the Hon. John Darley in relation to protecting children from exposure to gambling, amendments for which we have considerable sympathy.

I will touch briefly on the issue of forcing the 3,000 reduction target, and I will speak more about this during the committee stage. I have highlighted my concern that the model pushed by the industry in 2004 for a fixed-price regime has failed. If members look at the *Hansard* debate on this issue in 2004, I am pretty sure I am on the record as talking to the industry sector at that time and expressing concerns about whether or not the process that was being put up by the industry and

government would work. We support the market price mechanism set out in this bill; I would have liked to see that from day one. However, we do not want to be back here again in six years' time, with the industry cap in hand saying, 'This didn't work either. We still have hundreds in circulation, so we need another mechanism.'

South Australia has waited so long for the government to deliver on its promise, so to help the government get on with it the amendment sets a 31 December 2011 deadline for the removal of 3,000 machines—and I understand that will be seven years since the commitment was made by this government. If government policy has changed and it is backflipping on the 3,000, it should let the South Australian public know. Just as justice delayed is justice denied, policy delayed, in my opinion, is policy abandoned.

With respect to better reporting, the last of our amendments improves the reporting on barring orders and other compliance activity. I believe that is straightforward and will give parliament better reporting on what regulatory activity is going on in the industry. I again remind my colleagues that the industry sector itself initiated voluntary barring way before the government came in with its policies. We believe that it would be a good thing for all South Australians if we had more transparency in reporting on issues around the success or otherwise of barring orders and the number of barring orders that are put in place and other compliance activities in order to provide more transparency for the parliament and South Australia as a whole.

In conclusion, I have some questions on notice for the minister. Clause 2A of the Responsible Gambling Code of Practice, which is headed 'Intervention Initiatives', enables gaming venues to get around legal obligations: to screen the sights and sounds of gambling (clause 4A); to restrict coin availability (clause 5A); and regarding loyalty programs (clause 6A(b)). To achieve this, the venue must have an approved intervention agency agreement. My first set of questions for the minister's officer arise from this situation, as follows:

- What is the current list of approved intervention agencies?
- Are any others seeking to become approved at this point in time?
- How many venues, as a number and as a percentage, have approved intervention agency agreements (AIAAs) in place?
- Has the government conducted investigations into compliance with the AIAAs?
- What noncompliance with AIAAs has been identified and, in those cases, what action was taken by government and/or the venue in rectification?

The Ministerial Council on Gambling issued a communiqué in Brisbane on 10 July last year. In part, the communiqué reads, 'Minors should not be allowed to gamble or be exposed to gambling areas within venues.' My questions are as follows. In the 16 months since that communiqué was signed, what action has the minister taken, specifically on preventing minors being exposed to gambling within venues? How many machines short are we right now of the 3,000 machine reduction target? If I understand correctly, we still have some 750 to 800 gaming machine entitlements still in circulation since the debate in 2004, when I recall strongly opposing the fixed-price buyback model we ended up with.

Clubs SA has written to us with some concerns about the possible reduction of machines, the principle concern being the dilution of the number of machines in the club sector. Family First does preference clubs and family-owned hotels to the trend that we are seeing now, where Coles' or Woolworths' only interest, I believe, is the returns to shareholders and investors and not the prevention of problem gambling. That is why we understand some of the issues raised by Clubs SA as a sector, which is definitely community-based.

My question to the minister is: what legal protection is there for the clubs sector to ensure that the trading round for the 3,000 machine reduction will not see all the buyback machines disappear from the clubs and possibly end up in the ownership of Coles and Woolworths, which already have a massive duopoly, the way they are heading with hotel ownership?

Further, will the minister comment on the clubs' request that Club One be the bidder of last resort? That is, if a club wants to sell through the market process prescribed in this bill and the only buyer is a hotel, the clubs want Club One to be able to step in and buy it at the price agreed between the hotel and the club. That is their request.

I sympathise with the clubs' desire, but wonder if that is a workable process. I seek the minister's view based on what Clubs SA has said not only to me but I am sure to all colleagues. I then turn to the Productivity Commission's recommendations and ask: what is the government's progress with the $1 bet limit, coupled with a reduction in volatility of losses to no more than $120 per hour, and full precommitment?

With those questions on the record, and acknowledging there are a great number of positive initiatives in this bill, for which we congratulate the minister and the government, I trust that in this council, where we do have a majority of members with a conscience vote, we will be able to work through the amendments and hopefully come up with some further improvements.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (16:27): I thank honourable members for their contribution to this debate. Before I answer some of the issues that have been raised in the previous contributions I would point out that, in relation to Mr Brokenshire's comments, if there are any matters that I do not cover in my speech I will seek to have answers when we move into the committee stage.

Mr Lucas did mention that I was a member of the select committee that was looking into gambling, and that is quite true. Just in case it is misinterpreted, let me indicate that I supported the introduction of poker machines way back in the 1990s, and to this day I still agree with that decision. I still do not regret having made that decision. However, we do of course have to deal with the consequences of problem gamblers. We have always known that, and we address it where we can.

I agree with Mr Lucas's comment that there is significant growth in exotic forms of betting, particularly online betting. As I said, I was a member of the select committee some years back now and we considered those, and they have obviously grown since then. He said that, while most of the focus is on poker machines, there are also other forms of betting which are growing without control, and I think he makes a very significant point there. However, let me go on to address issues that were raised by members in their contributions previously.

This bill proposes amendments to the Gaming Machines Act 1992 to create better responsible gambling environments in South Australia, to reduce the cost and risk associated with regulation and for a number of administrative improvements. This bill signals the government's first steps in addressing the recommendations of the Productivity Commission. During the second reading contributions a number of issues were raised. Subsequently, a range of amendments to the bill have been proposed, which I would like to address now.

The Hon. Mr Darley is proposing an amendment to the bill to make it explicitly clear that objectors would be entitled to be party to any appeal proceedings. The government intends to support this amendment. It is considered that a court would accept that individuals and community groups that have objected to an application for a grant or transfer of a gaming machine licence are entitled to be a party to any appeal proceedings. This amendment proposes to make this explicitly clear in the Gaming Machines Act, and therefore the government supports it.

There were a number of issues raised in relation to the proposed approved trading system for gaming machine entitlements. This bill proposes to remove the fixed price for gaming machine entitlements in order to stimulate the market. The fixed price was identified by the Independent Gambling Authority as the reason some venues do not want to sell their machines. In 2005, there was a compulsory reduction of 2,168 gaming machine entitlements. Three trading rounds were held on 11 May 2005, 21 September 2005 and 16 April 2007 that resulted in a further reduction of 50 entitlements, with 21 venues selling all of their entitlements. This leaves a further 782 gaming machine entitlements to be removed before the 3,000 target is achieved.

The Hon. Mr Brokenshire is proposing an amendment to the bill so that, if the target of reduction of 3,000 in gaming machines is not achieved by 31 December 2011, the government must figure out a scheme for acquiring the outstanding gaming machines with compensation at a price fixed by the commissioner. The government intends to oppose this amendment. We are confident that the amendments proposed will significantly accelerate the reduction in gaming machine entitlements. More importantly, the trading system provides an avenue for venues that want to exit the gaming machine industry.

This was a key objective of the Independent Gambling Authority's original recommendations. Setting an artificial deadline could have the reverse effect. It would create

uncertainty in the market affecting decisions on whether to buy or sell gaming machine entitlements and for how much. The point is to open up the market, not introduce further controls that could end up becoming a new impediment. It should also be noted that the amendment proposed by the Hon. Mr Brokenshire is asking the parliament to reverse its clear intention, documented in section 27E of the act, that no further compulsory reductions, compensated or otherwise, would be contemplated until at least 2014.

The Hon. Stephen Wade in his second reading contribution asked: is the government committed to active engagement of community interest in the development of the regulations for the electronic gaming machines entitlement trading arrangements? I can assure the Hon. Mr Wade that the government is indeed committed to active engagement of community interest in the process of working through the proposed details of the approved trading system. Public consultation on the proposed details of the approved trading system for gaming machine entitlements closed on 3 September.

Five submissions were received, which are publicly available on the Department of Treasury and Finance gambling policy website. A subcommittee of the Responsible Gambling Working Party was established to work through the submissions and the proposed details of the approved trading system. The subcommittee of the Responsible Gambling Working Party includes two members who advocate for the community and gambling help services as well as two members who advocate for the club sector, including Club One. Industry is also represented.

The Hon. Tammy Franks in her second reading contribution said that she would like to see the establishment of a register of gaming machine entitlements. I can advise that clause 21 of the bill requires the commissioner to keep a register of licensees holding gaming machine entitlements and cause the register to be published on a website to which the public has access free of charge. The commissioner must record on the register the number of gaming machine entitlements held by each licensee and the premises to which the gaming machine entitlements relate.

The Hon. Tammy Franks proposes an amendment to the bill to differentiate between gaming machine entitlements in the register on the basis of whether they were purchased or granted before the reduction in the number of gaming machine entitlements. The government intends to oppose this amendment. A gaming machine entitlement is a gaming machine entitlement regardless of how it was obtained. There is therefore no point in distinguishing on the register between entitlements granted and entitlements that were purchased. They will all have the same value, which will be determined through the approved trading system.

The Hons Mr Brokenshire and Mr Darley have proposed amendments to the bill to require common closing hours. The government intends to oppose these amendments. Common closing hours are not as effective as other measures. Programs like Club Safe and Gaming Care are genuine attempts by the industry to provide for better responsible gambling environments. The bill includes additional responsibilities for late trading club and hotel gaming venues so that the customers during off-peak hours are able to have access to early intervention and other support measures for problem gambling that are at least as good as those available during other operating times.

The government's proposed extra responsibilities for late trading venues are aimed at resolving problem gambling behaviour rather than shifting the behaviour to another time of day. The government considers that this approach is more effective at addressing problem gambling behaviour. The Hon. Mr Darley has proposed an amendment to the bill to impose additional requirements on licensed venues at all times. The amendment would require a licensed venue always to have a manager or employee on site who has completed advanced problem gambling intervention training and to have arrangements in place to immediately refer a person identified as engaging in problem gambling to a service to address the problem, not just during late trading hours.

The government intends to oppose this amendment. These requirements have not been subject to consultation and the regulatory impacts are not known, although I am advised that the industry sector has indicated that this is likely to be a considerable burden for some of the smaller venues. Those smaller venues would not operate during late trading hours. The government's proposal is a targeted regulatory response that is relative to the risk to problem gamblers during late trading hours.

The Hon. Mr Darley has also proposed an amendment to the bill to prohibit cash facilities, and another amendment to automatically implement section 51B of the Gaming Machines Act. The

government intends to oppose these amendments. Section 51B of the Gaming Machines Act limits cash withdrawals from ATMs located on licensed premises to $200 per transaction, with only one transaction allowed per day. This section has not yet been proclaimed due to technological constraints with ATMs in the past.

The newly established COAG Select Council on Gambling Reform is considering several of the Productivity Commission's recommendations, including a recommendation to limit cash withdrawals to $250 per day from ATMs or EFTPOS facilities at gaming venues, clubs and hotels. It is understood that this is now technologically feasible. The newly established COAG Select Council on Gambling Reform is considering this approach with a view to implementing a national approach.

Any changes to ATM withdrawal limits will be included in the next bill after public consultation, which should be undertaken in order to fully understand the impacts of such proposals on gamblers, venues and any other stakeholders, and to ensure that there are no unintended consequences. For example, the wording of the Hon. Mr Darley's amendment extends further than just banning ATMs from gaming venues. Licensed premises refers to the premises licensed under the Liquor Licensing Act. Cash facilities are defined in section 3 of the Gaming Machines Act and include EFTPOS facilities. Therefore, under the proposed amendment, it would not be possible to pay for a restaurant bill by EFTPOS for those restaurants on licensed premises that include gaming venues.

The Hon. Mr Darley has proposed an amendment to the bill to prohibit coin dispensing machines at all times, not just late trading hours. The government intends to oppose this amendment. The Gaming Machines (Miscellaneous) Amendment Bill 2010 proposes to prohibit coin machines during late trading hours—that is, 2am to 8am—as well as other measures that are aimed at early intervention and harm minimisation for problem gamblers. It is not proposed to ban coin machines at all times of the day. This may be considered in the future; however, public consultation on any proposals for reducing the use of coin machines should be undertaken in order to fully understand the impact of such proposals on gamblers, venues and any other stakeholders.

The Hon. Mr Lucas has proposed amendments to allow note acceptors and ticket-in, ticket-out systems, which are also known as TITO. The amendments would allow note acceptors and TITO in clubs, pubs and the casino. The government intends to oppose these amendments. The fact that our gaming machines only accept coins, not notes, is a significant harm minimisation measure to protect people from problem gambling. Ticket-in, ticket-out would be a significant change to the way money is inserted into gaming machines. It is premature to implement a measure of this nature without considering the potential impacts in detail. As such the government has no alternative but to oppose these amendments.

The Hon. Mr Brokenshire has proposed amendments to the bill to prohibit the location of child play areas near gaming areas, 10 metres or line of sight. The government intends to oppose this amendment. Under the Gaming Machines Act 1992, the holder of a gaming machine licence can be fined up to $20,000 for allowing a minor to enter or remain in a gaming area on the licensed premises. In addition, section 15(4)(g) of the Gaming Machines Act states that 'a gaming machine licence will not be granted unless the applicant for the licence satisfies the commissioner, by such evidence as the commissioner may require, that no proposed gaming area is so designed or situated that it would be likely to be a special attraction to minors'. Section 15(4)(g) provides the necessary protection that the Hon. Mr Brokenshire is looking for and provides sufficient guidance from parliament to the commissioner to deal with a range of circumstances, including child play areas.

The Hon. Mr Darley has proposed an amendment to the bill to prohibit replica gaming machines throughout South Australia and machines termed 'gaming machine precursors' in licensed premises. The government intends to oppose this amendment. The government intends to prohibit arcade games that are essentially similar to electronic gaming machines. This will be achieved under existing provisions of the Lottery and Gaming Act 1936. The regulatory approach and statutory instruments will be subject to consultation to ensure that we get the details right and that the regulatory impacts are fully understood.

The Hon. Tammy Franks has proposed an amendment to the bill to establish a consumer advocacy committee. The government intends to oppose this amendment. We already have the responsible gambling working party. The working party membership includes representation from gambling help services and the community, as well as industry. The then minister for gambling

established the responsible gambling working party in November 2006. Its scope is much broader than that proposed by the amendments tabled in response to this bill.

The working party is transparent about its work, regularly releasing progress reports that are publicly available on the internet. It routinely undertakes structured discussions with external parties, such as groups or individuals from government, industry and the community to inform its work. The key focus areas under which it works were developed following regional discussions with a range of stakeholders that included community and industry. The Hon. Tammy Franks has proposed an amendment to the bill to retain the review period for codes of practice at two years rather than the five years proposed by the Gaming Machines (Miscellaneous) Amendment Bill 2010. The government intends to oppose this amendment.

The proposed change in the review period for codes of practice from two years to five years reflects practical experience from the Independent Gambling Authority. The process of reviewing codes of practice under all the gambling regulation acts is a substantial piece of work that requires the authority to undertake extensive consultation at the early conceptual stages, as well as when the revisions to the codes of practice are developed. For example, the review that commenced in early 2006 resulted in revised codes of practice that commenced over two years later on 1 December 2008. It is important to note that the proposed new section does not prevent the authority from conducting reviews on a more frequent basis.

The Hon. Mr Darley has proposed an amendment to the bill to specify some of the details of the social effect principles. The government intends to oppose this amendment. Parliament has given the Independent Gambling Authority functions and powers as specified in the Independent Gambling Authority Act 1995 and other gambling legislation. This includes the power to approve codes of practice and prepare guidelines that are disallowable in parliament.

Section 11(2a)(a) of the Independent Gambling Authority act 1995 specifies that the Independent Gambling Authority must have regard to the fostering of responsibility in gambling and, in particular, the minimising of harm caused by gambling, recognising the positive and negative impacts of gambling on communities. This object will guide the Independent Gambling Authority when it undertakes consultation, as required by measures in the Gaming Machines (Miscellaneous) Amendment Bill, to develop the social effects inquiry process and the social effects principles.

The Hon. Mr Brokenshire has proposed an amendment to the bill to specify some of the details that must be included in the commissioner's annual report. This includes information about expiation notices issued, prosecutions commenced and information on barrings. The government intends to oppose this amendment. Section 74(2) of the Gaming Machines Act states:

> The Commissioner must, no later than 30 September in each year, submit to the Minister a report on the administration of this Act during the financial year ending on the previous 30 June.

The act currently does not specify any details that are required to be included in the annual report. Expiations have been introduced in this bill and I expect that information about expiations will be included in the commissioner's annual report—it is not necessary to specify this level of detail in the act. Prosecutions are dealt with by the courts not the commissioner.

Regarding barring, a consultation paper will be released in the coming months on proposed amendments to address the IGA's recommendations from its inquiry into barring arrangements. Any amendment relating to barring should be dealt with as part of that process. The Hon. Terry Stephens raised the recent agreement between the Prime Minister and Independent MP Andrew Wilkie. This will be considered as part of the next round of amendments to gambling legislation.

The next round will address some of the changes necessary to gambling legislation to allow a national response to be developed to the Productivity Commission's recommendations. The measures in this bill are not inconsistent with the Productivity Commission's recommendations and there is thus no need for this bill to be further delayed. The Hon. Terry Stephens also raised a concern about the proposal in the bill for the commissioner to approve the form of a contract when the State Procurement Board's role in procuring gaming machines is eliminated.

The commissioner's approval of the form of a contract is a more flexible approach than the current State Procurement Board process. Because inducements and kickbacks are not desirable, the government is proposing a cautious approach by requiring the form of contract to be approved by the commissioner. The purpose is to make sure that gaming machine licensees control gaming

in South Australia, not gaming machine manufacturers, in order to balance the negotiated positions between gaming machine venues and gaming machine suppliers.

Clause 28 of the bill does allow for discounts based on the number of machines, components or items of equipment to be supplied. The Hon. Terry Stephens raised the Gamblers Rehabilitation Fund in his second reading contribution. While the Minister for Families and Communities is responsible for administration of the Gamblers Rehabilitation Fund, I am happy to provide some background information.

The Gamblers Rehabilitation Fund receives a total contribution of $5.955 million per year. The contribution comprises $3.845 million (65 per cent) from the government and $2.11 million (35 per cent) from institutional members of the gambling industry—the Australian Hotels Association, licensed Clubs of SA and the Adelaide casino. The Gamblers Rehabilitation Fund is administered by the Department of Families and Communities to fund agencies to provide services for problem gamblers.

Providers of gambling help services engaged by the department include non-government organisations and government service providers, as well as private suppliers that are used for information products and advertising services. I understand that the government has regular contact with the gaming industry and has received positive feedback about the gambling help services, including one of the largest statewide services, which is hosted by Flinders Medical Centre. This service employs psychologists as therapists. These people are public sector employees under the Health Care Act 2008.

The breakdown of funding from the Gamblers Rehabilitation Fund is roughly: 57 per cent to non-government agencies; 27 per cent to government gambling help service providers; 11 per cent to the Department of Families and Communities for community education programs, as well as coordinating and managing gambling help services; and the remaining 5 per cent is yet to be allocated to problem gambling services for this financial year. The Hon. Mr Lucas was concerned about balance in the gambling debate between different forms of gambling. The Productivity Commission has stated that:

> The risks of problem gambling are low for people who only play lotteries and scratchies, but rise steeply with the frequency of gambling on table games, wagering and, especially, gaming machines.

The Productivity Commission has focused many of its recommendations on electronic gaming machines due to the increased risks of problem gambling with this form of gambling.

The Hon. Mr Lucas questioned what harm minimisation measures are currently available for online sports betting. The outcome of the Betfair High Court case in Western Australia was that South Australia could not prevent interstate betting operators from providing online betting products to people in this state, provided that they are authorised in another state in Australia. Legislation was put in place in the Authorised Betting Operations Act to ensure that adequate harm minimisation measures are in place to protect consumers.

In South Australia interstate betting operators must give notice to the Independent Gambling Authority if they wish to conduct betting operations in order to be authorised in this state. Authorised interstate betting operators must comply with the requirements in the act and subordinate legislation, including the advertising and responsible gambling codes of practice. They can only provide betting on contingencies that have been approved by the Independent Gambling Authority.

Authorised interstate betting operators must provide a precommitment scheme that is linked to each gambling account. They must also provide regular activity statements, monthly, two or three-monthly, or annually, depending on the amount of activity on the account. This is specified in the Responsible Gambling Code of Practice. They must also have sufficient identification and verification measures in place to ensure that minors cannot open a gambling account.

The Hon. Mr Lucas also asked about the measures in place regarding online poker. Online poker is prohibited under the commonwealth Interactive Gambling Act. The Productivity Commission recommended that online poker should be permitted and be made subject to a regulatory regime with strict probity standards and high standards of harm minimisation. However, the commonwealth government issued a media release on 23 June 2010 advising that it does not support the liberalisation of online gaming, including online poker, as was recommended by the Productivity Commission.

The ministerial Select Council on Gambling Reform issued a communiqué on 22 October 2010, which stated that the council agreed that the forward work agenda will include the regulation of online gambling, so more work is being done in this area on a national level. I acknowledge the support from members for the implementation—

The Hon. R.I. Lucas: What about the question on the conscience vote? I asked you what's changed.

The Hon. P. HOLLOWAY: The usual practice of the Australian Labor Party, in relation to when poker machines were introduced, when there was an extension of gambling, is that it was a conscience vote, but the normal practice of the party is, when you have what are essentially administrative measures—and these are—those administrative measures, which have been well considered and debated within the caucus, should be supported by members.

The Hon. R.I. Lucas: Rann said in 2004 that it was a conscience issue.

The Hon. P. HOLLOWAY: As I said, if there are measures that involve a major extension in gambling, that is one thing.

The Hon. R.I. Lucas: That was the cutback to 3,000.

The Hon. P. HOLLOWAY: I would have to go back and look at the record, but it was my understanding that in that particular case caucus members supported that. I do not believe that, at that particular time, when the first amendments were introduced, there was any call within caucus for a conscience vote on the particular matters. I am not sure that there was a decision on it. That is my recollection of the events at the time, but in relation to these matters, they are essentially administrative measures.

I do not intend to continue to debate this matter. I have put the position of the government on the record in relation to this matter and I look forward to the debate during the committee stage. Can I just say in relation to that, given the time and given we have a couple of other matters on the *Notice Paper*, my intention would be to adjourn the debate after the second reading, but I hope that when parliament resumes on Tuesday week that we will be able to deal with the committee stage in a block at that time.

Bill read a second time.

MARINE PARKS (PARLIAMENTARY SCRUTINY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November 2010.)

The Hon. J.M.A. LENSINK (16:55): This bill is not a large or complicated measure. From memory, it has four clauses. The history of marine parks in South Australia is that the former Liberal government began the work to create marine parks in the mid 1990s and, in 1998, a document entitled 'Our seas and coasts: A marine and estuarine strategy for South Australia' was released, with the comprehensive Guide to Marine Protected Areas being published in April 2000.

The 2002 Liberal Party election policy indicated our desire to complete the work by 2006. This reflected the state's longstanding obligation to establish a system of marine parks within the state's waters flowing from the commonwealth's international obligations. This Rann Labor government waited until its second term to pass a marine parks bill, which had to be amended by the Liberals, in collaboration with the Australian Democrats and Greens, to ensure that all interests would be properly consulted. I commend the work of my former colleague, the Hon. Caroline Schaefer (who has a very deep and broad understanding of aquaculture, among other things), who took chief carriage of that bill.

The 19 marine park outer boundaries were proclaimed on 29 January 2009, and the original draft outer boundaries took in 44 per cent of the state's coastal waters. Following the usual form of consultation that, unfortunately, we have grown used to in this state, this was reduced by 2 per cent to 42 per cent. Members of the commercial fishing sector and recreational fishers remain concerned that the Department of Natural Resources (formerly DEH) has an agenda which is balanced in favour of reducing their access to existing fishing rights by making large sections of the marine parks 'no take' zones.

The development of zones and management plans for each park, as well as the development of displaced effort regulations (which, in plain English, is compensation for displaced industry), are the critical parts of the process which will determine the extent to which fishing

activities continue to exist and/or be viable. The industry remains concerned about this aspect, as well as the formulation of the displaced effort regulations. It has been consistent in stating that the former should not proceed until the latter has been concluded to its satisfaction.

The greatest impact of these policies will be felt by regional communities, which constantly feel subjected to decisions made in Adelaide by a government that is not concerned with what takes place beyond Gepps Cross or the Toll Gate. There are no marine parks to be established along the metropolitan coast, so the impact will not be felt by recreational anglers who regularly use those areas, or beachgoers.

This bill fulfils an election commitment that any changes to marine park management plans would be subject to parliamentary oversight. I note that the minister's second reading speech (which I think is quite misleading) gives the impression that the initial management plans currently covered by legislation will continue to be covered if this legislation is passed in its current form. I say that because I think that the issue of parliamentary scrutiny is important and I think people should be absolutely clear about what this bill will do.

The Marine Parks Act 2007 outlines the time lines, content and consultation requirements for marine parks management plans in division 2 and sections 11 and following, and the act currently makes a distinction between an initial management plan and subsequent management plans as amended. The process for amending management plans is potentially lengthy and, indeed, the statutory requirement for review is only every 10 years.

The bill transfers the parliamentary oversight from the Environment, Resources and Development Committee to the Legislative Review Committee, and the instrument is amended from being something comparable to a development plan amendment (DPA) to a regulation. I concur with some of the comments made by the Hon. Mark Parnell in relation to the oversight being changed from ERDC to the Legislative Review Committee. The committee, of which we are both members, is quite experienced in overseeing environmental issues, whereas the Legislative Review Committee is not so familiar with environmental issues, although it has examined some regulations and local government by-laws that fall into that area.

We have had a number of meetings with stakeholders, not specifically on this bill but on general matters. I appreciate the time of members of the Wilderness Society of South Australia who have met with me and my leader, Isobel Redmond, in the last couple of weeks. They enlightened us on a couple of very important issues, namely, the environmental impacts of marine sanctuaries, based on global evidence and also the economic issues.

What came out of that meeting was to advise us of the uniqueness of South Australia's marine species. I am paraphrasing here (I may not quite have it right; I am sure they will tell me if I have not), they did say that there is not much benefit if there is no policing of areas, including adjoining areas; and, in relation to the percentage of each park's no-take area, each park needs to be assessed individually. I would like to address that issue of percentage of no-take areas later in my speech.

The Wilderness Society also provided some flyers for honourable members which talk about which species the society believes are struggling, which I think is contested ground for the fishing industry. The other turf, as far as I am concerned, would be PIRSA, but some of the language that PIRSA uses is a little difficult to understand. I indicate that I will write to the minister formally to seek a briefing from PIRSA SA about the status of stock.

If what the Wilderness Society has published is correct, the one that stood out is that snapper (not that I necessarily have a particular personal interest in snapper) is fully fished. I have been told that the definition of 'fully fished' is that it is a fisheries management term which means that it is sustainable. That is a highly contested area of evidence, and I think it is important that we understand it and understand what the terms fisheries use, such as 'recruitment', 'catch' and 'efforts' mean, otherwise we may be misinformed.

Honourable members would also have received letters from Wildcatch Fisheries SA. I interjected during the Hon. Mark Parnell's speech in relation to the fishing industry; he said that they were latecomers to the cause of marine parks, and I think that is not the case. If one thinks about it logically, for anybody who is involved in the fishing industry (a lot of these are family businesses) it is not in their interests to fish themselves out of next year's catch or catches in 10 or 15 years' time. A lot of the licences and so forth are passed to the next generation, so they would like to retain them for their children. I want to quote from a letter from Dr Gary Morgan dated

28 September just to place on the record their views in relation to a sustainable fishing industry. He says:

> The fishing industry is a strong advocate of marine conservation in all of South Australia's waters simply because our members' livelihoods depend on a healthy marine environment. The fishing industry therefore supports the conservation of representative areas of marine biodiversity through the legitimate NRSMPA process, which is the agreed national process for doing this and which is based on Australia's international commitments. However, we believe that this legitimate NRSMPA process has been used, and continues to be used, to pursue more fundamentalist marine park agendas that have their origin with, and are often funded by, overseas and national conservation groups.

There is further comment on that issue, but I think that indicates their position that they are concerned that the process is being overtaken. I think it is important to note that when you do have a process that is as critical as this you need to have all the stakeholders on side.

The designing of the outer boundaries was a vexed process and one in which I think members of the Marine Parks Council of South Australia felt that they had been disenfranchised, and that continues to be the case in the ensuing processes. I do not think it is in anybody's interest for any sectors of this process to feel that way; so I would urge the government to ensure that it has a transparent process. For this reason, I foreshadow that I will have an amendment which I think will assist the parliament to be involved in that process to a greater degree.

Wildcatch also have made representations to the government, no doubt, that they are very concerned about the displaced effort process. The figure has been thrown around that it will be no greater than 5 per cent, but they are very clear that displaced effort must be sorted out prior to the finalisation of the management plans. In that regard, the industry is concerned that, in relation to the 5 per cent figure (I place these questions on the record) who assesses the 5 per cent? Is it just DENR? Is Treasury involved? Is PIRSA involved, and to what degree? Is that in the form of a multi-officer committee?

I think that if we look at the example of what happened federally with the home insulation program, which you could argue had some business impact, and which the environment department was in charge of, they really did not understand the process. And why would they? They are an environment department. That can go very badly astray if that is the way that it takes place.

In relation to the issue of targets, the Convention on Biological Diversity had a recent meeting in Nagoya, Japan, where it looked at the next round of its targets. The first meeting of the Convention on Biological Diversity (CBD) was in 1993. This process is for the next 10-year plan. There was a guiding document from 2000 until 2010, which looked at some 10 per cent of major ecosystems to be protected, including terrestrial and marine.

Just in the last couple of days they have come out with a new agreement, that 17 per cent of the land surface of the planet and 10 per cent of marine areas are to be protected. The goal for Nagoya was 25 per cent on land and 15 per cent in marine; and we still believe that much higher targets are necessary to maintain the full range of critical ecosystem services essential for human wellbeing. We are currently at 13 per cent.

In noting that there is a global target, Australia has already been meeting its targets. I am still to receive advice from my stakeholders as to whether Australia has met national representative MPA targets. However, the word around the traps, coming out of the state department, is that the starting point for the no-take zones is 25 per cent. I specifically asked the Wilderness Society what their view was on whether or not that was an appropriate target. From memory, their response to me was that arbitrary targets are not really much use; you have to know what it is protecting and, therefore, each case is different.

Policing of marine parks is going to be one of the really critical areas. It is all very well to have a park but if there is nobody to police it, if there are no park rangers, then what's the point? My colleagues in another place did try to pursue this through the estimates process. We were not given much information. We do know from the budget papers that the marine parks program will effectively be $1.5 million less per annum in the out years, that is, 2012-13 and 2013-14.

We asked questions about the number of extra monitoring vessels and whether it would be self regulation and I would have to give it to minister Caica: he is very good at giving non-specific answers that leave you none the wiser at the end of it. That is something that will be teased out in due course, but before we pursue this bill further I would like an answer to this question: what is the current total budget for the marine parks program and what will it be in 2012-13 and 2013-14?

Specifically turning to South Australia and what we have been doing, we actually have one of the best managed fisheries in the world, that is the West Coast and Spencer Gulf fisheries. It has received the highest assessment—this is according to its own website but I assume the information is accurate—by the commonwealth Department of Environment, Water, Heritage and the Arts under the EPBC Act, commenting on the good management practices undertaken.

It has been recognised in the recently released Food and Agriculture Organisation of the United Nations Technical Paper 475 and under the seafood assessment program established by the Australian Conservation Foundation as being sustainable with a very good management regime. The South Australian fisheries as well are managed under the Fisheries Act by PIRSA and, as honourable members who have studied their correspondence from Wildcatch Fisheries SA would know, Australia has the second best managed fisheries in a study of 56 fisheries world wide by the University of Columbia. We come second only to Germany.

I indicate that we will support the second reading of the bill but I have an amendment which has been circulated only this afternoon and which ensures that the initial management plans will also be subject to parliamentary scrutiny. They will be excluded by the government's bill, and I am not entirely sure why the government thought that was appropriate but, given that it is such a controversial issue, I strongly believe that the South Australian parliament should have some oversight of that process.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (17:13): On behalf of my colleague, I would just like to thank honourable members for their contribution to the debate and the Hons Mr Parnell and Ms Lensink for indications that they are supporting the bill at least at the second reading stage. This bill fulfils the government's commitment to community members to provide future security for marine park management plans and the zones within them.

South Australia is fortunate to have a marine environment that is world renowned for its unspoiled nature and the variety of plants and animals that live in this environment. Our marine parks network will provide many benefits for both current and future generations of South Australians by providing additional protection for these plants and animals and the environment that supports them.

We are about to begin the next stage of the marine parks program: developing draft management plans with zoning. The government will be working with marine park local advisory groups and other stakeholders to develop these draft plans. By working together and listening to the needs of local communities and stakeholders, we can deliver multiple use marine parks that work for us all. Future generations are counting on us, and that is why we are taking action now. I commend the bill to the council.

Bill read a second time.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November 2010.)

The Hon. B.V. FINNIGAN (17:15): I do not believe there are any other members intending to speak on the bill, so I thank the Hon. Mr Wade for his contribution and indication of support. If I could just address some of the amendments that the Hon. Mr Wade has foreshadowed, the proposed administrative scheme is very similar to the commonwealth scheme. It is correct to say that the commonwealth does not charge a fee for applications for exemption of films to be screened at film festivals, but it is not correct to say that there are no time restrictions for applications or no requirements for applications to be in writing or for specific information to be provided in an application to the director for such exemptions.

There may be no specific application form, but there is a requirement for particular information to be set out within an application. That includes the name and activities of the organisation that is mounting the film festival or film event, as well as any information relating to its reputation; the name of the film festival or event; the dates over which the film festival or event will run; the venue or venues at which it will take place; contact details, including a postal address, fax number, email address and daytime phone number; and an adequate synopsis of each of the films in the festival or event, including the film length and name of the director and producer.

These requirements are not in the legislation: they are set out on the Classification Website. If an application does not contain all the relevant information, it will not be processed. The website also states that organisers of film festivals and film events must make sure that the office receives a complete application at least three weeks before the start of the event or any advertising or other relevant deadline that may fall before that date. As these requirements are not in legislation, they can quickly and easily be changed.

It is the government's view that, although the commonwealth legislation does not prescribe a time or an application form, nonetheless there are those requirements on the website, and those requirements must be met in order for the commonwealth to approve. It is the government's contention that it is better for these requirements to be in the statute rather than be provided for simply by the decision of the minister or the Attorney or the director.

Rather than having some arbitrary process that could just change without any notice, we believe it is better to provide the requirements in the statute. We believe it is appropriate to have a fee which will be prescribed on a cost recovery basis, given that there would be some cost in administering the scheme at the local level, particularly given that the state does not have the resources and staff and so on that the commonwealth has available already, and they deal with this sort of matter every day. So the government will oppose the amendments to be moved by the Hon. Mr Wade. I thank him for his contribution and other honourable members for their interest in the bill. I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. D.G.E. HOOD: Family First were satisfied with the regime in place. There are not big changes here, but there are significant changes with respect to the allocation of responsibilities, which is the main purpose of the act in terms of who can decline or approve. We are predisposed to supporting the Hon. Mr Wade's amendment. We will need to hear the debate, of course, but what he is proposing makes sense to us. We do not see the reason for the change, but given that it seems the committee will support the change, I register that sentiment and indicate that we are likely to support the Hon. Mr Wade's amendment.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. S.G. WADE: I move:

Page 3, lines 5 to 12 [clause 4(2)], inserted subsection (2)(b) and (c)]—Delete paragraphs (b) and (c) and substitute:

(b) be accompanied by documents and information of a kind prescribed by regulation.

It would be appropriate, considering this amendment has the three elements the Hon. Mr Finnigan referred to in his second reading summing up, to briefly respond. There are three elements: the level of information required; the time frames required; and, the fee. The principle the Liberal opposition is putting to the committee is that, while we do not object to the policy decision the government has made, in which it is giving South Australians another option for approvals and exemptions under the classification regime, if that is all the government is proposing to do, that is all that should be done. There should not be additional hurdles put in front of South Australians in relation to the first option.

Our intent is to make the burden on a South Australian going to the minister the same as the burden on a South Australian going to the national director. I accept the point that the Hon. Mr Finnigan makes that there is an information requirement on South Australians going to the national director, and that is reflected in our amendments. It allows the government to require information of people who want to make applications, and the Hon. Mr Finnigan kindly outlined the sort of information that both the minister and the national director would require.

The second element is time frames. If I am correctly understanding the Hon. Mr Finnigan's advice, he was suggesting that the commonwealth has a three-week time frame. This bill provides a 60-day time frame. We just want consistency. If the government wants to come back with amendments that put in a date that it vouches for us is the same as the national director, so be it.

In relation to the fee, we understand that the commonwealth national director does not levy a fee. For the sake of consistency our amendment does not put a fee on South Australians who want to go to the minister.

With these hurdles being put in front of South Australians wanting to go to the minister, we think it raises doubts as to whether the government is really sincere about that option being retained. If it is not sincere and actually wants to get the minister out of the field, bring in a bill and we will discuss it on its merits. In the meantime we do not want these pseudo concurrent powers, we want real choices. If we are giving South Australians real choice, let us do that on a level playing field.

The Hon. B.V. FINNIGAN: With the Hon. Mr Wade's agreement, I assume we could treat this as a test clause because essentially the issues are the same in each one. With the current system the Attorney-General can grant an exemption at his or her discretion upon application. What we are trying to do here is put in place a straightforward and easily understood system for providing for exemptions.

As honourable members would know if they have looked at the house *Hansard*, what happens now is that film festivals in particular are coming up—and they may be literally in a couple of days—and the organisers have realised that they are not covered in terms of being able to screen the film legally and they have to seek an exemption; so they put in the information required and expect a very prompt response.

The information that is provided to the Attorney is normally quite sparse—and he gave some examples of that in the other place. The information will usually have a very brief synopsis of the film and often people will put yes or no as to adult language, nudity, violence or whatever. The Attorney is generally being asked to exempt films which he does not have a script for, which are often in a foreign language and which he has not seen, and we are accepting the film organiser's word that it does not contain violence, nudity, or whatever, or that they are of a standard in keeping with the classification.

That is not a system that works particularly well because it means the applications are coming in usually quite late in the day and with fairly sparse information. That puts the Attorney and the government obviously in a fairly invidious position. We do not want to stop people being able to organise film festivals or organise for the screening of films that may not have great broad commercial appeal. They are not the sorts of things that are going to be on at Marion or wherever, but people want to be able to screen those films.

We do not want to simply knock them all back on the basis that the Attorney has not had time to properly consider the film and what he is being asked to exempt. This is about creating a framework that is open and transparent and, as I said, in the statute, so it is quite clear what people need to do. At the moment, as I said in my second reading summing up, the commonwealth legislation does not prescribe a time for making an application to the director and does not provide a fee.

However, in accordance with the exemption requirements outlined on the classification website under films, festivals and community screenings, applicants need to provide the director with a complete application at least three weeks before the start of the event, or any advertising or other relevant deadline that may fall before that date. Of course, advertising may be considerably in advance of the actual screening.

If the director, who is an expert and who has the resources necessary for processing applications, given that this is their stock in trade, has determined that a minimum of three weeks is required to process an application, we consider it reasonable to require a longer time frame for applications to be processed outside that office. A time frame set by legislation, as I have said, is more transparent than one which is contained in guidelines which can be altered without reason or notice.

A prescribed fee, as I have indicated, would be on a cost-recovery basis. Covering the costs of administering the scheme is not the prime business of the unit doing it, but it is a reasonable and sensible thing to do, which is what we would expect with a lot of these processes. If an organisation has decided it is more convenient or appropriate to make an application to the Attorney-General rather than the director, the requirement to pay a reasonable cost-recovery fee is unlikely, in our view, to be a disincentive to the organisation to make the application. The time we are talking about is necessary to provide adequate time for proper consideration of the material and look at whether or not it should be given an exemption.

The commonwealth legislation, I should point out, does not provide for appeal or review of a decision by the director not to exempt a film. The only course open to an applicant, after being notified that an application for exemption was unsuccessful, is to make an application to have the film classified, and according to the classification regulations 2005, the fee for classification of a film for public exhibition is $900.

What we are trying to put in place here is a statutory, simple, straightforward and transparent process for people to be able to seek an exemption. The effect of the Hon. Mr Wade's amendments would essentially be to nullify the point of this bill. If we say there is no time requirement and there is no fee, in a sense one could argue that not much would change at all.

The purpose of the bill is, essentially, to provide a transparent, easily accessible method of seeking exemption for those organising screenings of films, for whatever reason, particularly film festivals; to try to give them an easily understood way to seek the exemptions they require, and to do that in a way that sets out the time frame and the fee, which I believe would be a fairly modest cost recovery-based fee, although I suppose 'modest' is a subjective term, depending on who is paying it. However, the purpose of this bill is to set in place that regime rather than any arbitrary scheme that can be changed at will.

As I said, the current system is that people apply to the Attorney-General for exemptions. He is put in a position where he has to make very prompt—unreasonably prompt, on occasion—decisions with fairly scant information. We want to ensure that a framework is in place that people can easily understand so that they know what they are required to do, rather than putting the Attorney in a position where he or she might take a punt—perhaps a very large punt—regarding whether the film is what it purports to be or represent.

I do not think we would want the Attorney to be placed in a position where he or she would, in the absence of the necessary time and process, make the judgement that they would prefer simply not to grant the exemption. We are trying to make this easier, more accessible and straightforward for those who are organising these types of screenings.

The Hon. S.G. WADE: I would like to respond to a couple of the points made by the Hon. Mr Finnigan. First, he keeps saying that the government wants the information to be clear in the statute, but my amendment is no less clear than the government's bill in relation to information—for example, what is required in an application. Both of them provide that 'the information shall be prescribed by regulation', so I do not think we have a difference on that point.

In relation to time frames, I reiterate the opposition's objective, which is to have a level playing field with the commonwealth. If the government wants to suggest a form of words that is a better reflection of that, then it is free to do so, but at the moment all we have is an indication from the Hon. Mr Finnigan about his understanding of the commonwealth time frames. Certainly, the Hon. Mr Finnigan makes no attempt to suggest that the commonwealth has a fee in relation to these sorts of applications, as South Australia would have. The opposition believes it is much closer to a level playing field than what the Hon. Mr Finnigan proposes.

I think the honourable member's comments actually confirm that the government's desire is to shed the minister of this responsibility. I respect the Hon. Mr Hood's concerns on behalf of Family First; if you like, they are less convinced than we are about the wisdom of the government's policy objectives. I presume that Family First, consistent with its position on a number of matters, is keen to make sure that a local decision maker, connected with local community values, is involved in these sorts of decisions.

When the Hon. Mr Finnigan says that my amendments would actually nullify the bill, it suggests to me that the intent is not to provide more options for South Australians but to clear the desk of the Attorney-General. That is not our objective. We want to take the government at its word, and make more options available for South Australians. I intend to proceed with my amendments, and ask the council for its support.

The Hon. D.G.E. HOOD: I have just a couple of questions. I am not quite sure about the mechanism for the intervention of the Attorney-General. Is the director required, in all cases, to inform the Attorney-General of his or her decision with respect to the classification or non-classification of a particular film or game, or whatever it may be? What is the mechanism in place? Will the Attorney-General be aware of all the decisions of the director? If so, how much warning or time will the Attorney-General have in order to potentially overrule the decision made by the director?

The reason I ask that—and I think the Hon. Mr Wade said it well—is that from our perspective we are not keen to see a change at all. We have had a system that has worked very well. The previous Attorney-General, I think, did an outstanding job in this regard and, as I say, it is not something we seek change on, but if the member could answer that, please.

The Hon. B.V. FINNIGAN: In response to the Hon. Mr Hood, I am advised that the director does inform the Attorney-General of exemptions and vice versa, but no time frame is defined for that process.

The Hon. D.G.E. HOOD: Thank you, Mr Parliamentary Secretary. My concern then is that we could have a situation where the director becomes aware or makes a decision and then it could be very close, as you said a moment ago, to the actual screening date of a movie—if it is indeed a movie—and the Attorney-General has almost no time in reality to make a decision. It would be almost impractical for him or her—him at the moment—to overrule the decision of the director, because the film may be showing that night and arrangements have already been made, etc. So, I think it potentially places the Attorney-General in a very difficult position, because the time frames required—well, there is no time frame required—may actually make it impossible to work in practice.

As I said, I do not see the reason for the change, and I think we could find ourselves effectively taking these decisions largely out of the hands of the Attorney-General and putting them in the hands of a public servant. From my perspective, I think it is very useful to leave it in the hands of a publicly elected person, because they will then face the pressure of the electorate and are certainly more susceptible to outside voices than a public servant would be. Anyway, that is not the will of the council, but I think this could be a real problem and that what we might find is that the Attorney-General in many cases will have no choice but to go with the decision of the director.

The Hon. S.G. WADE: I would just like to respond to the Hon. Mr Hood's comment. We as an opposition are not inclined to support the bill without amendments; so I would not want him to think that we are a patsy for the government.

The Hon. B.V. FINNIGAN: Just to confirm, my advice is that, as the Hon. Mr Hood says, indeed there may be a very narrow time frame between the director informing the Attorney-General and the screening of the movie, but I would point out to the honourable member that that is precisely one of the mischiefs, if you like, that we are trying to correct in this bill. At the moment, an application for an exemption can lob on to the Attorney-General's desk the Friday before, 24 hours or 30, 40 hours before the film is due to be screened, so what we are trying to do is put in place a clearer guideline and a transparent process for seeking the exemption.

I repeat my earlier point that, under the commonwealth process, currently, according to the website, there is a three-week requirement, but that is really an administrative guideline. Again, I would have thought it would be a general principle that most honourable members would support, that if something is in an act, in a statute, that gives people more clarity and certainty as to what a process is, than one that can be arbitrarily changed according to the process that the Attorney or a public servant or person in a position such as the national director would have.

The Hon. D.G.E. HOOD: I acknowledge the comments of the parliamentary secretary and, in fact, I agree with him. I think that putting in place a time frame is not a bad thing at all. I think it is probably a good measure. My issue is that there is no definite requirement, really. As I said, I think we are going to face a situation where the Attorney-General will be backed into a corner in certain circumstances. The solution to me would have been to put in place a time frame and leave the system as it is.

The Hon. S.G. WADE: I merely make the observation that, in the last response, the Hon. Mr Finnigan revealed that we actually have no enforcement at the commonwealth level of the requirements that this government is trying to put in here. He has just indicated that the three-week requirement is an administrative practice, not an enforceable legislative requirement which, as such, is what has been put before us today. I think that suggests that, on all three counts, my amendments are more reflective of the commonwealth practice.

The Hon. M. PARNELL: Just to assist the committee and to make sure that we do not have any unnecessary divisions, the Greens have carefully considered the amendments of the Hon. Stephen Wade but we are not convinced that the bill as presented needs amendment. So, we will be supporting the government's position.

The Hon. A. BRESSINGTON: I will be supporting the amendment.

The Hon. B.V. FINNIGAN: Can I just reiterate, particularly to the Hon. Mr Hood, that all states, apart from Queensland—which, I am advised, has brought back some ability for the Attorney-General to intervene—have handed over the ability to grant exemptions to the national director. Sorry, I am advised that Queensland cannot intervene, but other states have handed over the ability to make exemptions. Essentially, it is no longer a power that the Attorney-General has. I point out to the Hon. Mr Hood in particular that what this bill does is continue to enable the Attorney-General, of his own volition or upon receiving a complaint from the public, to review a decision made by the national director.

The Hon. D.G.E. HOOD: I thank the parliamentary secretary for his response. I understand that; that is my understanding of the bill. All I can say is that, if a bill was presented to this place to try to align us with the other states in terms of removing the Attorney-General from that process, we would oppose it. I support the amendment.

The committee divided on the amendment:

AYES (11)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Stephens, T.J.
Vincent, K.L.	Wade, S.G. (teller)	

NOES (8)

Finnigan, B.V. (teller)	Franks, T.A.	Gazzola, J.M.
Holloway, P.	Hunter, I.K.	Parnell, M.
Wortley, R.P.	Zollo, C.	

PAIRS (2)

Ridgway, D.W.	Gago, G.E.

Majority of 3 for the ayes.

Amendment thus carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. S.G. WADE: I move:

Page 3, lines 24 to 26 [clause 7(2), inserted subsection (1a)]—Delete subsection (1a) and substitute:

(1a) An application made to the Minister under subsection (1) must be in writing.

Further to the Hon. Mr Finnigan's comments earlier, I understand the government was happy for the first amendment to be a test for the remainder, in which case I would suggest this is consequential, and I ask for the committee's support.

The Hon. B.V. FINNIGAN: I can confirm that the other amendments are all in line with the will of the council expressed in the previous division. So, while the government opposes the amendments, we will not divide on them.

Amendment carried; clause as amended passed.

Clause 8.

The Hon. S.G. WADE: I move:

Page 4, lines 6 to 8 [clause 8(2), inserted subsection (1a)]—Delete subsection (1a) and substitute:

(2) An application made to the Minister under subsection (1) must be in writing.

Amendment carried; clause as amended passed.

Clause 9.

The Hon. S.G. WADE: I move:

Page 4, line 39 to page 5, line 5 [clause 9, inserted section 79C(2)]—Delete subsection (2) and substitute:

(2) An application made to the minister under subsection (1) must be in writing.

Amendment carried; clause as amended passed.

Remaining clause (10) and title passed.

Bill reported with amendment.

Bill read a third time and passed.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (17:51): 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.

As part of its commitment to tackling knife crime, and weapons-related crime more generally, the Government is introducing the *Summary Offences (Weapons) Bill 2010*.

The Bill fulfils the Government's election commitment to introduce laws to: prohibit the sale of knives to minors; authorise police to use hand-held metal detectors to find knives and other weapons; authorise the issue of weapons prohibition orders; and allow general weapons amnesties to be conducted in relation to dangerous articles and offensive and prohibited weapons.

The Bill also builds on previous work undertaken by the Government, including the 2009 review of the State's knife laws which culminated in the publication of a draft Bill and a complementary discussion paper.

The Government has already made significant changes to knife-related laws in its previous terms in office. This Bill is an important tool in the Government's continuing efforts to reduce crime in this State.

Details of the Bill

The current criminal law in South Australia has a three-tiered approach to weapons offences: an offensive weapons offence; dangerous articles offences; and prohibited weapons offences. These offences are set out in section 15 of the *Summary Offences Act 1953* and in the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* and include the following:

- It is an offence to carry an offensive weapon without lawful excuse. It is also an offence to carry, without lawful excuse, an offensive weapon or a dangerous article in, or in the vicinity of, licensed premises at night.
- A knife is, by definition, an offensive weapon. If a person were not entitled to explain his or her reason for having a knife, every person in South Australia who has a knife anywhere would be guilty of an offence. An offensive weapon also includes a rifle, gun, pistol, sword, club, bludgeon, truncheon or other offensive or lethal weapon or instrument (but not a prohibited weapon).
- It is an offence to manufacture, sell, distribute, supply, deal with, possess or use a dangerous article without lawful excuse. The only knife that has been declared a dangerous article is a bayonet. The full list of dangerous articles is set out in Schedule 1 of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*.

If the accused person claims to have a lawful excuse, then he or she has to prove it. It is generally not a lawful excuse to carry a knife for self-defence.

- It is an offence to manufacture, sell, distribute, supply, deal with, possess or use a prohibited weapon. There are 13 categories of knives that are classified as prohibited weapons, including a dagger, a flick knife, a butterfly knife, a ballistic knife and a throwing knife. The full list of prohibited weapons is set out in the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*.

There is no defence of lawful excuse for a prohibited weapons offence. The only defence is if a person is exempt in the circumstances of the offence. A person may be exempted in particular circumstances by section 15(2a) of the *Summary Offences Act* or Schedule 3 of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*. In addition, a person who is not covered by the exemptions in the Act or regulations can apply to SA Police for an individual or class exemption.

The Bill before the House proposes a number of reforms to the current weapons laws to address the growing incidence of knife-related violence and to restrict the supply of knives to young people. What follows is an account of the reforms embodied in the Bill.

Over the years, with the advent of new technologies and new weapons, and thus the need for new categories of offences and weapons, section 15 has developed into a lengthy and cumbersome section. The proposed reforms represent an opportune time to separate out the weapons offences into a more coherent structure. To that end, the Bill repeals sections 15 and 15A and replaces them with a new Part 3A dealing solely with weapons.

The current provisions in section 15 of the Act setting out the offensive weapons offences and the dangerous articles offences, and the provisions in section 15A setting out the offences in relation to body armour, have been replicated in sections 21C and 21B of the Bill, with minor changes to reflect current drafting practices.

New section 21D of the Bill creates two new offences to restrict the selling or marketing of knives. Firstly, a person who sells a knife to a minor under the age of 16 years will be guilty of an offence and subject to a maximum penalty of $20,000 or 2 years imprisonment. It will be a defence if the seller can prove that he or she required the buyer to produce evidence of age and, based on the evidence produced, reasonably assumed that the buyer was of or above the age of 16 years.

Classes of persons will not be able to be exempted from this offence. This may be criticised as causing inconvenience for some. If we exempt everybody who will be inconvenienced then the law will not have the desired effect. Further, it would create more red tape for retailers if they had to sight evidence of employment as an apprentice or scout membership, as well as evidence of age, in order to determine whether or not a person could be legally sold a knife.

However, specific knives will be able to be exempted from the offence by prescription in the regulations as there are some knives that pose little risk of harm. For example, it is proposed that the regulations will exempt razor blades permanently enclosed in a cartridge and plastic take-away knives.

Secondly, it will be an offence to unlawfully market a knife in a way that indicates, or suggests, that the knife is suitable for combat or is otherwise likely to stimulate or encourage violent behaviour involving the use of a knife as a weapon. A maximum penalty of $20,000 or 2 years will apply to this offence. Exemptions to the offence will be able to be prescribed in the regulations as there are likely to be some limited circumstances where it is appropriate for a knife to be marketed as suitable for combat, such as, to Australian defence forces.

New section 21E inserts two new offences into the *Summary Offences Act* to restrict the possession of knives in schools and public places.

A person who possesses a knife, without lawful excuse, in a public place or school will be guilty of an offence and subject to a maximum penalty of $2,500 or imprisonment for 6 months for a first offence and $5,000 or imprisonment for 12 months for subsequent offences.

This will give police an alternative charge where a person has a knife (that is an offensive weapon not a prohibited weapon) in their possession (for example, in their locker at school) but does not have the knife on or about their person, or under their immediate control, and so cannot be charged with carrying an offensive weapon. Having an offence specific to knives, that employs the wider concept of possession, supports the intent of the proposed legislation, which is to reduce knife-related violence and to deter the carrying of knives in a public place or school. However, this approach should not be adopted for all offensive weapons offences as the purpose of the offensive weapon offence is to criminalise access to a weapon which is dangerous because it is accessible at any given time to a person with unlawful intentions. The notion of 'possession' is far too wide for this purpose.

It will also be an offence to, without lawful excuse, use or carry a knife that is visible, in the presence of any person in a school or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety. Again this will give police an alternative charge, with a higher maximum penalty of $10,000 or 2 years imprisonment, where the knife is being wielded in a threatening manner.

A defence of lawful excuse is necessary for these offences as there will still be instances where it is appropriate for a person to be in possession of a knife in a public place or school. For example, a tradesperson working in a school may need to use a knife in the course of their work.

As part of its election platform, the Government pledged to introduce weapons prohibition orders modelled on the firearms prohibition orders legislation, to enable police to ban persons with a known propensity for violence and with a history of carriage of weapons from possessing or accessing prohibited weapons in a public place. Sections 21G to 21J of the Bill implement this election commitment.

The Commissioner of Police may issue a weapons prohibition order against a person if satisfied that—

- the person has (whether before or after the commencement of this section) been found guilty of an offence of violence or has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by a court dealing with a charge of an offence of violence; and
- possession of a prohibited weapon by the person would be likely to result in undue danger to life or property; and
- it is in the public interest to prohibit the person from possessing and using a prohibited weapon.

To ensure that all circumstances may be taken into account, and a weapons prohibition order tailored to individual circumstances where appropriate, the Commissioner has the ability to exempt a person, unconditionally or subject to conditions, from a specified provision of the section. In addition, unlike firearms prohibition orders, weapons prohibition orders will not be permanent and will lapse after five years. A new weapons prohibition order will then need to be issued by the Commissioner if the person is still considered to be a danger to the public.

The proposed police powers in relation to weapons prohibition orders are based on the search powers for firearms prohibitions orders. A person subject to one can be stopped and searched on sight and any vehicle, vessel or aircraft they are in charge of can be stopped and searched. However, unlike for firearms prohibition orders, premises can only be searched if the officer suspects on reasonable grounds that they are occupied by, or under the care, control or management of, a person who: has previously contravened a weapons prohibition order; or who the officer suspects on reasonable grounds of contravening a weapons prohibition order.

The Bill provides for a range of offences in relation to weapons prohibition orders, including making it an offence for a person to—

- manufacture, sell, distribute, supply, deal with, possess or use a prohibited weapon;
- supply any person subject to a weapons prohibition order with a prohibited weapon.

The penalty for contravention of these provisions is $35,000 or imprisonment for 4 years. Although the size of the penalty that may be imposed is unusual in terms of the level of penalties normally found in the *Summary Offences Act*, there is precedent for including minor indictable offences in the *Summary Offences Act*. Additional offences, similar to the firearms prohibition orders legislation have also been included in the Bill.

The Bill also establishes a right of appeal by a person aggrieved by a decision of the Commissioner to issue a weapons prohibition order to the Administrative and Disciplinary Division of the District Court.

To support the Government's crackdown on the possession and use of knives in the community, the Bill inserts two new provisions into the *Summary Offences Act*. The new provisions set out in clause 7 enhance police powers of search in relation to licensed premises and gazetted events in a public place, and in public places where there are reasonable grounds to believe that an incident of serious violence may take place in the area. These differ from current search powers as there is no requirement that a police officer form a reasonable suspicion that the person has possession of a weapon before a search can be conducted.

New section 72A authorises the use of metal detectors by police to search any person who is in, or is apparently attempting to enter or leave, licensed premises (or the vicinity of licensed premises) or a public place holding an event declared by the Commissioner by notice in the Gazette.

There was some concern raised, by respondents to the discussion paper, that the search powers as originally drafted in the consultation Bill would authorise police to enter and remain in private premises for the purposes of conducting a metal detector search. This is not the intent of the proposed search powers, which is to deter and prevent the possession and use of knives in public places, and the Bill makes it clear that the section does not authorise a police officer to carry out a metal detector search of a person in his or her place of residence, or in a hotel room, lodging room or any other place in which he or she is temporarily residing.

Finally, to ensure transparency and accountability in the use of these search powers, the Commissioner is required to report annually to the Minister on the use of the section. This report must contain specific information including the number of declarations made and the number of metal detector searches carried out.

New section 72B authorises the use of special powers to prevent or control incidents of public disorder where a police officer of or above the rank of Superintendent has reasonable grounds to believe that an incident involving serious violence may take place in an area. Once an authorisation is made, a police officer can stop and search a person, and any property in the possession of such a person, if the person is in, or is apparently attempting to enter or leave, the target area.

This search power will be utilised by police to combat serious violence, such as anticipation of a riot, not possible minor public disturbances. It must also not be used in relation to persons participating in advocacy, protest, dissent or industrial action.

An authorisation made under this section must comply with a number of conditions, including that the authorisation must:

- be made in accordance with guidelines (if any) issued by the Commissioner; and
- specify the area to which the authorisation relates and the grounds for issuing the authorisation; and
- specify a period of not more than 24 hours during which the authorisation operates.

Again, to ensure transparency and accountability in the use of these search powers, the Commissioner is required to report annually to the Minister on the use of the section. This report must contain specific information including: the number of authorisations made and the nature of the incidents in relation to which such authorisations were made; the number of occasions on which persons were searched in the exercise of powers under this section; and the number of occasions on which weapons or articles of a kind referred to in part 3A were detected in the course of such searches and the types of weapons or articles so detected.

The Bill also makes some changes to the exemptions for prohibited weapons. The general exemptions, which are currently set out in section 15(2a) of the *Summary Offences Act*, will be moved to the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*. It is not envisaged that there will be any changes to the general exemptions at this stage. However, if the exemptions are prescribed in the regulations they can be more easily reviewed and updated to reflect any changes or advancements in the law or in practice and procedure.

A deficiency in the current powers to issue individual exemptions is also addressed by the Bill. At present there is no express power to revoke or vary an exemption if a person becomes unfit to possess a prohibited weapon.

The Bill inserts a provision into the *Summary Offences Act* to include an express power to vary or revoke an exemption and provides for the review of such decisions by the District Court.

Lastly, the Bill proposes to amend the *Summary Offences Act* to include a power to allow general weapons amnesties to be conducted in relation to dangerous articles and prohibited and offensive weapons and a power to prescribe in the regulations an evidentiary provision to facilitate proof of an offence against Part 3A.

The Bill does not target people who have a legitimate reason for the possession and use of a knife in a public place. It is squarely aimed at those people who misuse knives. The new offences and enhanced police search powers should discourage such people from possessing or using knives in public places unless they have good reason for doing so.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Repeal of sections 15 and 15A

This clause repeals sections 15 and 15A of the principal Act, with the relevant sections now to be found in new Part 3A.

5—Insertion of Part 3A

This clause inserts new Part 3A into the principal Act, dealing with weapons etc as follows:

Part 3A—Weapons etc

21A—Interpretation

This section inserts definitions of key terms used in the new Part 3A (including *body armour*, *criminal intelligence*, *dangerous article*, *implement of housebreaking*, *knife*, *offence of violence*, *offensive weapon*, *prohibited weapon*, *suitable for combat* and *violent behaviour*).

21B—Body armour

This section is the relocated current section 15A of the principal Act.

21C—Offensive weapons and dangerous articles etc

This section comprises the relocated current section 15(1), (1b), (1ba), (1bb), (1bc) and (1f) of the principal Act.

21D—Unlawful selling or marketing of knives

This section makes it an offence for a person to sell a knife to a minor who is under the age of 16 years. The maximum penalty is a fine of $20,000 or 2 years imprisonment. It is a defence to a charge of such an offence if the defendant proves that they took certain steps to verify the person's age and the minor made a false statement or produced false evidence.

The section also makes it an offence for a person to make a false statement or provide false evidence in response to a seller's request for proof of age. The maximum penalty is a fine of $1,250.

Subsection (4) makes it an offence for a person to market a knife as being suitable for combat, or in a way that is likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. The maximum penalty is a fine of $20,000 or 2 years imprisonment. Subsections (5) and (6) set out matters related to proving offences under the section.

21E—Knives in schools and public places

This section makes it an offence for a person to possess a knife in a school or public place. The maximum penalty is a fine of $2,500 or imprisonment for 6 months for a first offence, or double that for a subsequent offence.

The clause also creates a more serious offence where a person, without lawful excuse, uses a knife or carries a knife that is visible in the presence of any person in a school or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety, whether or not such a person was, in fact, at the scene. The maximum penalty for such an offence is a fine of $10,000 or imprisonment for 2 years.

21F—Prohibited weapons

This section comprises the relocated current section 15(1c), (1d), (1e) and (2a) to (2g) of the principal Act, with the following changes: the regulations, rather than the principal Act, set out who is an exempt person for the purposes of the section, and the Commissioner of Police rather than the Minister may declare a person to be an exempt person for the purposes of the section. The new section sets out procedural matters in relation to the making of, and appeals in relation to the making of, a declaration under the section. The section also preserves the effect of current section 15(1f) as it relates to prohibited weapons.

21G—Weapons prohibition order issued by Commissioner

This section allows the Commissioner of Police to make a weapons prohibition order against a specified person. The effect of such an order is set out in section 21H. However, the Commissioner can only make such an order if he or she is satisfied that—

(a) the person has been found guilty of an offence of violence or has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by a court dealing with a charge of an offence of violence; and

(b) possession of a prohibited weapon by the person would be likely to result in undue danger to life or property; and

(c) it is in the public interest to prohibit the person from possessing and using a prohibited weapon.

The section further sets out procedural matters related to the making or revocation of an order.

21H—Effect of weapons prohibition order

This section provides that a person to whom a weapons prohibition order applies is disqualified from obtaining an exemption under section 21F. While such an order is in force, an exemption under the regulations made for the purposes of that section does not apply in relation to the person unless the regulations expressly provide to the contrary and, any such exemption already held by the person is suspended.

The section makes it an offence for a person to whom a weapons prohibition order applies to manufacture, sell, distribute, supply, deal with, use or posses a prohibited weapon. The maximum penalty is a fine of $35 or imprisonment for 4 years.

It is also an offence for a person to whom a weapons prohibition order applies to be present at a place where prohibited weapons are manufactured, repaired, modified, tested, sold or hired out. Other places at which such a person must not be present may be prescribed by the regulations. A person to whom a weapons prohibition order applies must also not be in the company of a person who has a prohibited weapon on or about their person or under their immediate control. The maximum penalty is a fine of $10,000 or imprisonment for 2 years.

A person to whom a weapons prohibition order applies must not live at premises on which there is a prohibited weapon. The maximum penalty is a fine of $10,000 or imprisonment for 2 years. In addition, such a person must inform every other person of or over 18 years of age living or proposing to live at the same premises that there is an order against them and must ask every other such person whether or not they have or propose to have a prohibited weapon on the premises. The maximum penalty is a fine of $10,000 or imprisonment for 2 years.

The section makes it an offence to supply a prohibited weapon to a person to whom a weapons prohibition order applies or permit such a person to gain possession of a prohibited weapon. A person who has a prohibited weapon on or about their person or under their immediate control must not be in the company of a person to whom a weapons prohibition order applies. If a person to whom a weapons prohibition order applies lives at premises, a person who brings a prohibited weapon onto the premises or has possession of a prohibited weapon on the premises commits an offence. The maximum penalty for each of the offences is a fine of $10,000 or imprisonment for 2 years.

The section provides defences to charges of offences against the section. The section also allows the Commissioner to exempt a person from a specified provision of the section and to vary or revoke such an exemption.

21I—Right of appeal to District Court

This section confers a right of appeal to the District Court on a person aggrieved by a decision of the Commissioner to issue a weapons prohibition order, and makes procedural provisions in relation to such an appeal.

21J—Power to search for prohibited weapons

This section empowers a police officer to search people, premises, vehicles, vessels and aircraft for prohibited weapons, and for that purpose, to detain persons, to stop and detain vehicles, vessels and aircraft, and to enter premises. The powers may only be exercised as reasonably required for the purpose of ensuring compliance with a weapons prohibition order issued by the Commissioner. The section also requires any prohibited weapon delivered or seized to be forwarded immediately to the Commissioner.

21K—Forfeiture

This section provides that a court may order the forfeiture to the Crown of a weapon etc used in, or related to, the commission of an offence against new Part 3A.

21L—General amnesty

This clause permits the Commissioner (with the approval of the Minister) to declare an amnesty in respect of a provision of the new Part 3, and sets out procedural matters related to such an amnesty.

21M—Regulations

This section sets out regulation making powers in respect of new Part 3A.

6—Redesignation of section 21A—Tattooing of minors

This clause redesignates current section 21A of the principal Act as section 21N.

7—Insertion of sections 72A, 72B and 72C

This clause inserts new sections granting the police certain powers.

72A—Power to conduct metal detector searches etc

This section empowers a police officer to conduct a metal detector test for the purpose of detecting the commission of an offence against Part 3A. The search must relate to a person who is in, or is apparently attempting to enter or to leave, licensed premises, the vicinity of licensed premises or a public place holding an event (declared by the Commissioner by notice in the Gazette). A search may relate to any property in the possession of such a person.

The section sets out procedural requirements relating to the making of a declaration notice by the Commissioner, including compliance with any regulations prescribing guidelines, the giving of public notice in a newspaper circulating generally throughout the State before the commencement of the operation of the declaration, and the preparation and provision to the Minister of an annual report on declarations made during a financial year period. The report must be tabled in Parliament by the Minister.

72B—Special powers to prevent serious violence

This clause empowers a police officer to carry out a search for the purpose of locating weapons and other articles in a particular area. The search must relate to a person who is in, or is apparently attempting to enter or to leave, the area, and to any property in the possession of the person in the area.

A search may only be carried out if a police officer of or above the rank of Superintendent authorises the search, having reasonable grounds to believe that an incident involving serious violence may occur in the area and that the search is necessary to prevent the incident.

The section sets out procedural requirements relating to the granting of authorisations for such searches, including compliance with any guidelines issued by the Commissioner. An authorisation cannot be granted in relation to persons participating in advocacy, protest, dissent or industrial action.

If a second or subsequent authorisation is to be granted in relation to an area, it cannot commence within 48 hours of the previous authorisation period unless the consent of the Commissioner has been obtained. The Commissioner cannot give consent unless satisfied that it is in the public interest to do so.

The section also requires the Commissioner to prepare and provide to the Minister an annual report relating to authorisations, searches, the detection of weapons as a result of searches and other matters. The report must be tabled in Parliament by the Minister.

72C—General provisions relating to exercise of powers under section 72A or 72B

This section requires the Commissioner to establish procedures to be followed by police officers exercising powers under the new sections 72A or 72B. The procedures must be designed to prevent, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to the powers.

The section allows police officers to be assisted by other persons and empowers them to enter and remain in premises or places to conduct a search and give directions. A police officer can only detain a person under section 72A or 72B for as long as is necessary to carry out a search.

The section makes it an offence for a person to hinder or obstruct a police officer or assistant exercising powers under section 72A or 72B or refusing or failing to comply with a requirement made of the person or a direction given to the person under those sections. The maximum penalty is a fine of $2,500 or imprisonment for 6 months.

Other provisions include evidentiary aids for the prosecution of offences.

8—Amendment of section 74BAAB—Use of detection aids in searches

This clause amends section 74BAAB to empower a police officer, in exercising powers under the new Part 3A, to use a drug detection dog, an electronic drug detection system, a metal detector or any other system or device designed to assist in the detection of objects or substances.

9—Amendment of section 85—Regulations

This clause amends section 85 to enable regulations made for the purposes of the Act to be of general application or to vary according to prescribed factors and to enable a matter or thing in respect of which regulations may be made to be determined according to the discretion of the Minister or the Commissioner.

Schedule 1—Related amendments and transitional provision

Part 1—Amendment of *Protective Security Act 2007*

1—Amendment of section 3—Interpretation

This clause is a consequential amendment of the definition of *dangerous object or substance* in the *Protective Security Act 2007*, updating the section of the *Summary Offences Act 1953* referred to, and updating the meaning of 'firearm' to refer to the meaning of that term in the *Firearms Act 1977*.

Part 2—Amendment of *Serious and Organised Crime (Control) Act 2008*

2—Amendment of section 14—Court may make control order

This clause makes consequential amendments to section 14(5)(b)(ii) of the *Serious and Organised Crime (Control) Act 2008*. It substitutes the reference to 'section 15' of the *Summary Offences Act 1953* with 'section 21A'.

Part 3—Amendment of *Sheriff's Act 1978*

3—Amendment of section 4—Interpretation

This clause makes consequential amendments to the definition of *restricted item* in the *Sheriff's Act 1978*, updating the section of the *Summary Offences Act 1953* referred to, and updating the meaning of 'firearm' to refer to the meaning of that term in the *Firearms Act 1977*.

Part 4—Transitional provision

4—Declarations by Minister continue

This clause provides for certain declarations made by the Minister under the Summary Offences Act before the commencement of the new Part 3A inserted by this measure to continue in force as if they were declarations made by the Commissioner of Police under section 21F of the Act as in force after the commencement of Part 3A.

Debate adjourned on motion of Hon. T.J. Stephens.

At 17:53 the council adjourned until Tuesday 23 November 2010 at 14:15.